

Mayor
Christy Clark

Mayor Pro Tem
Jennifer Hunt

Commissioners
Alisia Bergsman
Amanda Dumas
Edwin Quarles
LaToya Rivers
Nick Walsh



Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA
Regular Town Board Meeting
January 16, 2024 - 6:00 PM
TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube
@townofhuntersvillenc28078

- 1. Pre-meeting - 5:15 p.m.**
 - 1.A. Review FY25 Draft Goals. *(Anthony Roberts, Jackie Huffman)*
- 2. Call to Order**
- 3. Invocation/Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Announcements**
- 6. Public Comments, Requests, or Presentations**
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
 - 8.A. Approve the minutes of the December 18, 2023 Regular Town Board Meeting. *(Janet Pierson)*
 - 8.B. Approve the minutes of the January 2, 2024 Regular Town Board Meeting. *(Janet Pierson)*
 - 8.C. Approve property tax refund report from Mecklenburg County. *(Pattie McGinnis)*
 - 8.D. Call a public hearing for Monday, February 5, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 on Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter

to rezone +/- 2.513 acres located at 9349, 9339, and 9331 Beatties Ford Rd from the Rural District to Highway Commercial Conditional District to allow Outdoor Recreation and Office use. (*Nathan Farber*)

- 8.E. Call a public hearing for Monday, February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 to discuss the Town's plan to enter into an installment financing contract in connection with the issuance of limited obligation bonds to pay the capital costs of construction, equipping and furnishing of a new Town Hall and renovation, and improvements to the existing Town Hall building, and to pay the cost related to entering into financing. The amount of the financing is not to exceed \$32 million. The \$32 million is estimated to account for the \$30 million building and related issuance costs including potential bond discount. (*Pattie McGinnis*)

9. Public Hearings

- 9.A. Conduct continuation of public hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +/-6.00 acres located at 15105 Holbrooks Road from Transitional Residential and Neighborhood Residential District to Special Purpose - Conditional District. This public hearing was continued from January 2, 2024. (*Nathan Farber*)

10. Other Business

- 10.A. Consider appointing two (2) members to the Board of Adjustment due to two vacancies. (*Brian Richards*)

11. Closing Comments

12. Adjourn

GENERAL MEETING INFORMATION

Town Board:

The Town of Huntersville Mayor and Board of Commissioners are elected for two-year terms. Huntersville operates under the council-manager form of government, which establishes the Town's policies that are carried out by the Town Manager and staff. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:00 p.m. on the first and third Monday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. (Public

Special Accommodations:

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Anthony Roberts, Town Manager
Jackie Huffman, Deputy Town Manager

Date: January 16, 2024

Subject: Review FY25 Draft Goals

EXPLAIN REQUEST:

In December staff distributed the Board Adopted FY24 Goals. The attached list represents proposed updates for FY25 goals. Proposed omissions are represented in strikethrough text; new wording and goals are in red. These goals are indented to adhere to SMART criteria (Specific, Measurable, Achievable, Relevant, and Time-Bound). Following discussion, staff anticipates consideration of a revised list at the February 5 Board Meeting.

ACTION RECOMMENDED:

Discussion of goals.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. FY25 Draft Goals

TOWN OF HUNTERSVILLE

DRAFT FY 2025 GOALS

LAND USE DEVELOPMENT / PLANNING

Maintain a diverse long-range transportation and land use vision that provides a high quality of life

- Implement recommendations in the 2040 Huntersville Community Plan
- ~~Implement~~ Finalize ~~recommendations in the~~ Downtown ~~Master~~ Plan
- Finalize ~~Consider adoption of the~~ Mobility Plan
- ~~Review land development plan related to zoning and uses allowed on infill lots~~

FINANCE

Maintain a balanced budget with a healthy fund balance to provide excellent services

- Maintain AAA bond rating which will lower future borrowing costs of funding the CIP
- Create ~~Issue~~ Bond package for ~~Transportation and Parks & Greenways~~ Board and citizen approval November 2023 to provide for future capital needs
- Seek federal, state, and county grants/partnerships to fund projects

PUBLIC SAFETY

Provide competent, courteous, professional, and community-oriented Police and Fire Services

- ~~Renegotiate ETJ police contract and dispatch contract~~
- Enhance recruitment ~~and training~~ efforts to attract/retain quality officers and enhance training efforts such as additional investigative certifications for detectives
- Implement Magistrate services at HPD ~~and Victim's Advocate programs~~
- ~~Purchase~~ Finalize site for Station 2 replacement and continue to pursue ~~incorporate future funding for Station 2 and Station 5 in the CIP~~ future site for a new Station 5
- ~~Start the process of hiring fulltime HFD employees and/or increase firefighter pay~~
Continue transition to directly funded Town Fire department

TRANSPORTATION INFRASTRUCTURE

Advance transportation projects to completion

- Use Powell Bill funds to pave/resurface 5-7 miles of Town maintained streets

- Work with NCDOT to determine Gilead Road cross section
- ~~Push municipal street, sidewalk, and bike projects forward~~ Complete the following municipal street projects: Seagle Street/4th Street, Gibson Park Drive Phase 2, and Vanstory at Reese
- Complete the following sidewalk projects: Huntington Green Community, NC 115 at Harvest Point Drive, NC 115 from Bellamore to CVS, Bud Henderson from Kalston to Old Bud Henderson, and NC 115 from NMHS to Blythe Elementary
- Advocate/partner with NCDOT to advance local and regional projects
- ~~Work with northern towns to improve local bus transit services~~ Work with CATS to implement Micro-transit
- ~~Utilize technology to enhance infrastructure improvements~~

PARKS AND RECREATION / GREENWAYS

Provide safe, attractive, and high-quality parks, facilities, programs, and greenways

- Develop Master Plan for Ramah Church Park/Station 5
- Construct North Mecklenburg Greenway
- Construct North Mecklenburg Park splash pad
- Negotiate Mecklenburg County agreement to fund Hwy 73 greenway bridge
- ~~Advance greenway construction to serve 30,000 people by 2030~~
- Diversify/expand event offerings/programs that incorporate physical and mental health
- ~~Diversify/expand park facilities (i.e., splash pads, pickleball courts)~~

HOUSING

Provide a variety of housing options for all citizens

- Seek opportunities/partnerships with outside agencies like Lake Norman Community Development Corporation, Hope House, Ada Jenkins and Habitat for Humanity to advance affordable and workforce housing
- Seek funding or partnerships to Help revitalize and/or repair homes in areas of need such as Pottstown and Huntington Green
- Review recommendations from Mayoral Affordable Housing Task Force and determine next steps such as establishing an Attainable Housing Committee

SUSTAINABILITY / NATURAL RESOURCES / ENVIRONMENT

Seek sustainable options to protect our natural resources and environment

- Revise solar / renewable energy policy for Town electric customers

- Seek opportunities to convert the town fleet toward electric/hybrid vehicles and streetlights/parking lot lights to LED
- Seek comprehensive stormwater solution for downtown
- ~~Review/recommend update to tree species/location impact on sidewalks~~
- Establish Sustainability Committee and bring back recommendations for the Board of Commissioners to consider

FACILITIES / ASSET MANAGEMENT

Provide sufficient space for community meetings and municipal services

- Break ground and begin construction on new Town Hall
- Complete renovation of ~~Renovate~~ air filtration system at HFFA and determine long term goals for HFFA
- ~~Pursue aesthetic and system reliability upgrades to the Town electric distribution system~~ Begin utility burial along Gilead Road from post office to HES
- Begin construction on Hwy 73 electric substation to accommodate load growth and to build redundancy

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 16, 2024

Subject: Approval of Minutes - December 18, 2023

EXPLAIN REQUEST:

Consider approving the minutes of the December 18, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 18, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:30 p.m. on December 18, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, and Nick Walsh. Commissioner LaToya Rivers entered the meeting at 5:33 p.m. during Chief Graham's presentation.

Mayor Clark called the Pre-meeting to order.

Asset Forfeiture Funds. Police Chief Barry Graham presented presentation on asset forfeiture funds. *PowerPoint attached hereto as Exhibit No. 1.*

Commissioner Dumas said what happens when an innocent's property is used for illegal activity without their knowledge.....how long is that process?

Emily Sloop, Town Attorney, said I will say that with real estate it's a little bit different because typically they don't seize real estate prior to and hold onto it. There are certain circumstances where they might do that, but typically real estate is one of the types of property that would not be actually seized and in custody of the agency until after the process has been followed. I just wanted to go ahead and make that distinction. Then as far as the innocent owner doctrine, even if they are an innocent owner, let's say the example that we talked about earlier, the gun, it still might be seized as evidence for the criminal prosecution, so at that point in time it's going to be held onto during the investigation, but later as far as the forfeiture process they might be able to put forth the innocent owner doctrine. There are certain requirements that have to be satisfied. They can't know that the conduct giving rise to the forfeiture is occurring or if they do learn of it, they have to take certain steps to try to alert for example law enforcement agencies or they have to stop the person from using it in some way, revoke their permission to use it, for example. They do have to successfully put forth that effort and succeed in the forfeiture proceeding on that doctrine.

Chief Graham said correct me if I'm wrong, if it's a main home the government also gives them legal representation for that.

Ms. Sloop said for the primary residence, they can have appointed counsel.

Chief Graham said that process is really out of our hands. If it's part of a crime, then it's whatever time you get through the court process.

Commissioner Hunt said I have a clarifying question and then just one other question, too. Just to be clear, the Huntersville Police Department does not seize any assets or contraband, it's the task forces that will come in and do that.

Chief Graham said that is correct. These task force agents are Huntersville police officers. They are sworn in and deputized through the federal government and then all the process is federal. It's going to be agents that actually do the seizing, federal court, federal prosecutors and they seize that. It's against the law in North Carolina to do civil seizure in North Carolina by us. It has to go through the court process if you are going to take folks' property other than the cash that's used at the time of the arrest.

Commissioner Hunt said has anyone appealed an asset forfeiture case that we benefitted from and we found out that there was a miscarriage of justice that had taken place?

Chief Graham said everything that we've been given, we've never had anybody come back and say that was wrong, we have to give the money back. That's part of our agreement if that does happen, but from talking to those folks it is a lengthy process and they've got opportunity to appeal. We've never worried about that and it's never happened.

Commissioner Bergsman said can you pass along thanks to the officers involved in the case that you were speaking about. From someone who has family who has been directly impacted by the opioid epidemic, some good news there of getting some fentanyl off the street. I kind of just wanted clarifying statement that we have not received asset forfeitures from civil cases, they have all been criminal cases.

Chief Graham said we have received proceeds from civil cases. Generally, they run together, a criminal case as well as a civil case. Generally, when you have property, it has to be a civil process. It's just like you sue your neighbor about something that falls on your property or damages your house, it's not a criminal case, it's a civil case. There's quite often, whether money laundering where they are putting it through different places, that they would have to go after those proceeds, so if they show that this person is selling drugs, bringing in the money and then giving the money to other businesses and stuff like that, that is when the civil process comes through. So yes, we do receive funds from the civil side, but it all originates in a criminal case and it's always a federal civil case.

Commissioner Bergsman said you had mentioned there's an audit once a year.

Chief Graham said that was the sheet I was talking about that we have to show how much we have, how much was brought in, all of our individual things that we've done, how much we have used and then we file it just like you would do with your taxes and then they review it. They don't actually come in and do it. Once the money has been given to us and been through the process, it is ours. They don't come and check and see how much we've got every so often. Everything that we've bought it has to be within the rules set forth by them.

Commissioner Bergsman said is it possible to send the Board a copy of that.

Chief Graham said this is a federal document and if I can get it for you, I absolutely will. I'll let the attorney look at it.

Ms. Sloop said he did send out the link to a couple of the manuals. There's the Guide to Equitable Sharing for State, Local and Tribal. That's a condensed version. It's about 30 pages. The other one is

about 190 pages, which is much more robust, but I believe he did send you that link. If you didn't receive it, we can resend that to you.

Chief Graham said this is the actual operating procedures for that. I have one that we do from the federal government that we submit to them. They are picky when it comes to their forms. It says on the bottom of it, it has to go through their side to get access to anything. If I can talk to the agent and he's like yes, sure, it's no big deal, it's last year's, you are good to go, absolutely.

Commissioner Bergsman said I am curious if Huntersville chose not to participate in asset forfeiture what would happen to that money allocation that would have come to Huntersville. Where would it go?

Chief Graham said we would keep it, it's ours. If not, then there's another process to do something like that, but that money has been given to us. It's ours to use for law enforcement projects.

Commissioner Dumas said do informants also lose their property or is that part of the deal of becoming an informant?

Chief Graham said are you talking about like if you have an informant that gets stopped and said hey we would like to know where this came from and they're using their car, it's possible they could use their stuff as well even if they become an informant. What it would be is they committed a criminal act, they're just not charging them with it in return for their information.

Commissioner Dumas said when you say drugs, you've mentioned some pretty hard drugs. Do we ever do anything like this when it comes to marijuana?

Chief Graham said we absolutely could. In talking to these folks this morning it's fentanyl, heroine, cocaine that they are looking at. If you get a tractor trailer load of marijuana coming in, absolutely. If you are talking about pounds, no.

Commissioner Dumas said what percentage of the cases are administrative? You mentioned that's the largest amount, but what percentage.

Chief Graham said what happens is that if you've got a civil case and no one accepts responsibility for that, it's turned over to a judge because what's happened is we've taken this in and it has to go in front of a judicial official to be able to be released for that, so like 80 percent of this stuff people say not my money, not my drugs, not my guns, not my car, whatever it happens to be, so it stagnates there unless it goes to an administrative court. It goes in front of the judge, they say we've given them this amount of time to do it. No response, your honor. We did this, your honor. We contacted these folks, your honor. No response, no one has claimed it, it's turned over.

There being no further business, the Pre-meeting was adjourned.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on December 18, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the meeting to order.

Mayor Clark called for a moment of silence in memory of one of our advisory board members, Crystal Roeder, who passed away in September.

Mayor Clark led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Bergsman said we have on the Consent Agenda right now the Rules of Procedure. Just because I saw most of the things are clerical changes, grammatical changes, but the section about appointments and the change of name of that agenda item, can you give us some detail?

Anthony Roberts, Town Manager, said the Rules of Procedure, the agenda changes I guess where the Board was looking to revise the agenda, the layout of the agenda. So what I took from that from the Board was that right now like you see on this existing agenda, you have Staff Questions and you also have Reports and y'all were looking to streamline the agenda to make it more efficient so you ended up taking announcements and reports, basically the same word, you can call it whatever you want, but instead of having reports you'll have announcements which you can give reports then and then from a staff question standpoint, all the items that are already on an agenda during that time you would probably ask those questions during that actual agenda item, and if there were outside questions like Anthony, what's going on with the light at 115 and whatever intersection, you would ask that at that same time as announcements. That's what my understanding was. It's just a rebranding and just handling it differently and maybe it's more efficient. That's what I understood.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Monika Leach, 9822 Midas Springs (Rosaline Cil, 3831 Alton Street, deferred her time to Ms. Leach), said my family and I have been living there for a couple of years now. The Midas Springs area is known for its strong sense of community, which we actually experienced a couple of months ago when I was going through surgery one of the trees that was blocking the road fell down and every member of our neighborhood came and helped no matter of the age. We were very thankful because we couldn't really help, we were in the middle of my recovery and it was really nice. That's just one of the benefits living in the community where neighbors support and assist one another. Living in the Rural Residential and impervious area has presented its fair share of challenges for many of us. We are required to adhere to the watershed regulation. Today I'm here to address the Board and request assistance in preventing the rezoning of our peaceful neighborhood into commercial area. And I'm regarding the Beatties Ford Community Center, whatever is the status of this entertainment. If you take a look around, you will notice that our homes are located right next to the property that is pushing for the rezoning. At this point I have heard various plans and proposals. I'm not sure today where we stand with it. I heard different stories and I'm uncertain about what exactly will happen. The latest information I received from the board member indicates that they will not be community marketplace as much as it's like a membership based establishment because I was kind of questioning how the family going to make money off the property and I just want to mention when you look them up, the property address is Beatties Ford Road but it's located off Broadway Street where it's very narrow. There's not a

lot of parking places for this establishment. All I ask you today is for you to put yourself in the shoes of the people that are living next door. We genuinely do not want more traffic, alcohol and most importantly any influx of cars in the small area. We chose to escape the city and enjoy the peace and quiet that this place offers. Please understand why we strongly disagree with rezoning this property and respectfully request that you put a stop to it.

Based on my observation it seems that those family members for me they are more investor than anything. They're just seeking approval to purchase and develop the property with the intention of selling it later on. Alternatively, they may buy a piece of land down the road that has already been rezoned and wait for someone else to take action on it. Since I only spoke with them once, I think they are here, I know they are trying to do different things to pursue that, but I don't see anything for me as a community person living in the community that I can benefit from if I have to pay for membership to even enjoy trading seats or drink a cup of coffee.

Now I want to speak on behalf of my husband. He is sick so he couldn't make it, so he sent me a note to present. His name is Aaron Leach and he lives also 9822 Midas Springs Road. In my opinion the most important note is the fact they have never had true benefits planned or architectural drawing of any type outside of the concept, a wide range of concepts that's covered anything from sports to coffee shop to serve coffee and bars, including farmers market. Essentially this leaves the lot open for any businesses that ever want to move in. Given the nature of the business I would have to assume the ultimate goal is to buy residential for cheap and sell commercial for higher cost in turn doubling their money moving on to the next project not caring who moves in.

Mary Brett, 9331 Broadway Street, said I'm a lifelong resident of the Long Creek community. The Long Creek community is built on a relationship with all the neighbors. We all are very close, take care of one another, and keep an eye out for our community. My son, husband, and our next door neighbor who used to live at 9401 Broadway Street, and I drew up petitions for the Long Creek community. We got a total of 58 signatures just in the Long Creek community. This is 98 percent of our neighbors who are against this project. The second petition we drew up are those that live in the Huntersville area. And that was a total of 50 signatures who are also against this project. My son drew up another petition totaling 180 signatures, so now we have a total of 288 who are against this project. The project needs to be denied. Jon Eury and Katie Carpenter were quoted at the Planning Board meeting on August 27, 2023, that they bought this property to rezone it from Residential to Commercial for their business venture for volleyball tournaments, 40 to 80 people in attendance, serving alcohol and this doesn't mix with the young kids. This creates and introduces crime into our neighborhood. They just don't have any consideration at all for the Long Creek community. You are a new Huntersville Town Board of Commissioners, the Mayor, and we would like for you to stand up for the residents of Huntersville. We want you to look out for us and protect us from this reckless growth. If you pass this petition, you will take away our lives, our future with our son and our future with our grandkids and this would be just devastating. Please deny this petition tonight. *Petitions attached hereto as Exhibit No. 2.*

Leo Brett, 3831 Alton Street, said my mother is who just spoke. I am a fifth generation family member that has lived in this neighborhood. I have many neighbors that are still family members at the time and as you can tell the people that do move in that have been moving in recently enjoy the environment and the type of situation that they are brought into, and they look for the same thing that we do. We just want peace and quiet and a nice area to live. If you look on a map and look at the way our area is laid out, there is nothing like what we have anymore. Everything is a cookie cutter neighborhood. Everybody is 3" from their neighbor. It's super tight constricted neighborhoods. We don't have that. We have probably in the ballpark of 16 to 20 neighbors and I mean everybody owns almost an acre, if

not more, but that doesn't stop the fact that their location, their plan, is located on the main road but they also have multiple houses located behind them that would be affected by it and plenty of people that would be too. They've done their volleyball tournament stuff before there without being commercial. I don't see what it needs to be commercial for for playing volleyball. It's claimed to be a community center. I don't really understand how this comes into play with making money, especially if it's a community center I don't really see how it needs to meet the commercial status that they are looking for or if there's a lower status that they should be seeking, something that would hopefully not ruin us when they leave because you know it's one of those business ventures. We don't know what's going to happen. They could go in, they could pass it, it could succeed, it could go on for a long time, or it could fail and somebody with multi million dollars could come in, look through all the rules and find stipulations and put what they want there. And that's our concern is this is going to end up becoming something that we don't want. It's going to ruin the area we have. We have enough issues with crime and problems like that already. People drunk and acting stupid on the property is not going to help it. Beatties Ford is a 16' road. There's not enough room to park on both sides of the road or do anything like that. There's going to be people wandering the neighborhoods. They want to host this volleyball set-up for they were saying a majority of younger kids and girls, and they want to put it out on the main road. I mean we live in the 21st century, I hate to say it out loud but there's pedophiles everywhere and advertising little girls on the front road while we have people drinking beer somewhere where they can go and stand around and who knows what, it brings up a lot of opportunity. It's stuff that shouldn't be done in my opinion. Kids don't mix with alcohol. I mean everybody knows that. And let's add to the fact of that house was built in the 40's. The lead paint, have we considered that, asbestos testing, has any of this been done on this house.

Scott Brett, 9331 Broadway Street, said I have lived there for 28 years. I'm asking you to deny the R23-06 from Rural Residential to Commercial to benefit a commercial venture in a residential area that will severely impact the quality of life of all the residents in the area with the noise impact of 40 to 80 people, alcohol and volleyball league tournaments with spectators and stadium lighting and amplified music seven days a week. Put yourself in our shoes. Would you want this place next to your home. This business needs to go to a proper location, a commercial area. This type of reckless rezoning would set a new standard for the commercial growth in Huntersville. This decision is being watched closely by property owners and commercial developers. As a newly elected board the residents of Huntersville hope you will follow the 2040 Plan and the small area plans made by Huntersville and follow the guidance of your professional Planning staff who does not support this rezoning and states it does not match the 2040 Plan or the Beatties Ford Small Area Plan and should remain Rural Residential, low intensity use for the critical watershed area that we live in. Please stand up for the residents of Huntersville, not just for the commercial ventures for profit.

Sandy Lusk, 9709 Midas Springs Road, said I have lived there my entire life. I am 64 years old. I don't want the crime and there will be crime. People will leave there drunk. They will leave there with too much to drink. It happens everywhere where you go where they drink. It will happen. We don't want it in our neighborhood. When you rezone from homes to business, then the homes go away and the businesses take over. That's just the way it is. Beatties Ford Road is full of history. I don't want any of the history going away. Please take into account once you take that zone, you are taking away our history. Thank you for your time.

Violet Clarke, 13423 Willow Breeze Lane, said first of all I would like to say congratulations to the new board. The residents spoke out loud and clear and flipped the entire board. It is so great to see all these new faces. We had a chance to talk, we meaning Mary Ann and Noelle and myself, with most of you before the election and you promised to work for the people and follow the 2040 Plan. We are here to

hold you to that every time. Once again, I need to speak out against another rezoning application. A rezoning from Rural to Highway Commercial, the Beatties Ford/Long Creek Family Entertainment application. Just saying it sounds horribly wrong and calling it family entertainment when it's anything but for families, is also very misleading. Alcohol and music until 11 p.m. at night does not belong in a rural community and is not for families. Outdoor sports, tournaments, movies, live bands and alcohol has no place among these homes. The residents nearby, several of which you have heard from tonight, have lived in the surrounding homes for decades and sometimes their entire lives and are entitled to quiet enjoyment of their homes that they worked for their entire lives. This location is only minutes from Charlotte and all those activities are readily available for the people that want them in designated commercial areas. This is not the place for it. The Planning staff, the people that we as residents pay for to make the right decisions for our town, recommend not approving this rezoning for several reasons, most importantly because it's located in a rural conservation area. It is also in a critical watershed and future land use area. Those reasons alone should stop this entire application. It's also interesting to note that the Planning Board voted yes unanimously 8 to 0 which is in your agenda packet. I'm wondering if there's a conflict of interest because one of the Planning Board members actually worked with the applicant several years ago on a real estate team together, so I'm wondering if there's some kind of conflict of interest where maybe he should have recused himself. All the information is in your agenda packet along with the signed petitions from the residents which were brought forth tonight. There's also an online petition and as of right now there's over 200 signatures currently. I urge you all to make the right decision for the residents that spoke out loud and clear for change in Huntersville and voted all of you in. When the time comes to vote, please vote no for this horrible idea and rezoning.

Ashley Wiley, 12435 Treasure Cove, said congratulations on the election. I come to you tonight to bring attention to Huntersville Police. I don't know if you have read it or not but recently there was a teacher that was arrested for having inappropriate relations with a student. When this school had stated that they had asked Huntersville Police to check the hard drive on said teacher's computer, not once but twice, apparently that was declined. When people report abuse of children, let alone when it's sexual abuse of children or abuse of a child due to disability, they shouldn't be denied justice. They're cops. That's the reason why we have detectives.....look at the device, at least listen to the person, hear them out, don't just send them away. I speak to that because denying people justice creates an even larger issue within the community as a whole. You can't say I'll give justice to you, but not to you. I'll do it for that one, not for this one. You can't pick and choose justice. When I had tried to report the abuse of my child, I was told by the captain of the criminal investigations unit that I needed to go home and get my husband and that he could make a report, but I couldn't. I have no idea what my husband being there or not being there would have to do with that however, he wasn't wearing a body camera. This was the third time that he yelled at me, said very inappropriate things, so that time I recorded him. When I brought that to their attention and did an internal affairs complaint, I was told that the solution was that I would have to learn how to get along with him, yet this cop accused another cop of investigating that didn't and I can prove that. But yet he yells at me and doesn't wear a body camera. How is denying justice okay. You guys speak about drugs. What if people were to tell you hey, that guy over there has a drug house and they go prove it. We don't care and they deny one but not the other. I thought we lived in a time of equality. Why are we picking and choosing. It's shameful. How many more people are going to get hurt before Huntersville Police actually get somebody to look into it and say hey, what's going on here. Just like the asset forfeiture. I assure you there's a lot more there with the cars, just saying.

AGENDA CHANGES

Commissioner Dumas moved Item 8.C under Consent Agenda (Adopt revisions to the Town Board Rules of Procedure) to Item 10.E under Other Business.

Commissioner Bergsman made a motion to adopt the agenda, as amended.

Commissioner Dumas seconded motion.

Motion carried 5 to 1, with Commissioner Quarles opposed.

CONSENT AGENDA

Resolution – Memorandum of Agreement Related to Grant Services. This request is for adoption of Resolution to Approve a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement with NC League of Municipalities for technical assistance in the area of grants. This is one of several areas of assistance being offered to cities and towns through NCLM and their selected contractors as part of state funds to assist local recovery efforts awarded as a result of the American Rescue Plan. This resolution will allow the Town Manager to sign a letter of engagement with NCLM grant contractor Witt O'Brien's for up to \$30,000 worth of Grant Services (at no cost to the Town) over three possible phases:

- Phase 1 - Project identification, project prioritization, and available funding source identification based on alignment, eligibility, timeline, and the municipality's ability to meet requirements or criteria.
- Phase 2 - Preparation and submittal of grant applications.
- Phase 3 - Grant Award Management.

The engagement letter with Witt O'Brien's as NCLM's provider of these services has a not to exceed amount of \$30,000 so it will not allow the amount to go over and lead to any costs from the Town.

Commissioner Walsh made a motion to adopt Resolution to approve a Memorandum of Agreement related to Grant Services.

Commissioner Rivers seconded motion.

Motion carried 5 to 1, with Commissioner Quarles opposed.

Resolution attached hereto as Exhibit No. 3.

Resolution – Transportation and Parks & Recreation Bonds. In compliance with the North Carolina General Statutes and on the advice of Bond Counsel, it is requested the Board adopt Resolution certifying the election results for the Transportation and Parks and Recreation bonds.

Commissioner Walsh made a motion to adopt Resolution for Transportation and Parks and Recreation bonds.

Commissioner Rivers seconded motion.

Motion carried 5 to 1, with Commissioner Quarles opposed.

Resolution attached hereto as Exhibit No. 4.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R23-06, Beatties Ford Family Entertainment. Commissioner Bergsman said one of the reasons I wanted this brought onto the agenda tonight is I've heard a lot of use of the word limbo to describe this application, so I kind of wanted to start with Planning staff, if you could possibly come up and kind of give an overview of where things stand right now and kind of what happened at the last meeting that was a bit unusual, I guess you could say.

Brian Richards, Planning Director, said back in September the then board made a motion on the Beatties Ford Road Family Entertainment project and typically when you make these motions it's either to approve or to deny. Let me see how to rephrase this clearly.

Emily Sloop, Town Attorney, said the last Town Board when this item was on for a final decision there was a motion made and seconded to approve the rezoning. However, that motion did not get the required number of votes to pass, therefore they did not approve the rezoning. However, there was not a subsequent motion to deny the rezoning either and the reason at the time it's my understanding I believe Commissioner Phillips was absent and there was a potential that they may want to bring it back up. As far as the one year limitation, that is typically applied and has historically been applied here in Huntersville when a motion has been made to formally deny a petition.

Commissioner Bergsman said when is the last time that a situation like that has occurred, do you know?

Mr. Richards said I cannot recall. This may have happened one or two other times in the time that I've been here. Very infrequently.

Commissioner Bergsman said I want to have a discussion with the Board tonight, not necessarily on the merits of the application but when something is ambiguous like that I kind of like to tackle those complicated things and not leave it hanging there with questions in the community and questions from the applicants and questions from us. Looking at this, it seems like one of the courses that we could take is to call a second public hearing, considering that we were not the board that was present for the first public hearing and I do feel that it would be most fair to all parties involved – neighbors, applicant, the community, to go through that process again. There seems to be information out there that some modifications have been made but those were not a part of the public hearing before, but I'm open to fellow commissioner comments.

Commissioner Dumas said what happens if we do nothing.....if it stays on our docket or it waits until the applicants reapply. What happens. What's the next step if we don't call for another public hearing?

Ms. Sloop said I would say if this Board does not vote to move forward and basically restart the process, there are a couple of options. The applicants can withdraw. If they withdraw, there is a one year limitation of resubmitting. If they don't withdraw and you take no action, then it's not going to be approved. It's just going to sit there unapproved.

Commissioner Walsh said the property in question, is that in the Activity Node?

Mr. Richards said it is outside of the marked Activity Node in the 2040 Plan and several small area plans.

Commissioner Walsh said and that property is one of seven or eight that sit on that block I believe to the north, so the other seven properties, what would happen to them in terms of going from Rural to Commercial?

Mr. Richards said staff would not be in support of those as well. Of course, anybody is welcome to apply for those rezonings.

Commissioner Walsh said but if that's the farthest point in the node then it makes sense that those south of it, the other seven properties would.....

Mr. Richards said it would be up to each individual property owner to apply or assemble them and apply as a group.

Commissioner Quarles said in regards to the small area plan, does the Town of Huntersville and the City of Charlotte have a partnership in regards to the small area plan?

Mr. Richards said no, that was just for Huntersville.

Commissioner Quarles said in looking at the small area plan, a portion of the plan is on the Mt. Holly-Huntersville side in the City of Charlotte, so if this was to be moved 200' then the project would fit.

Mr. Richards said right and we went through those charrettes with the community to develop those boundaries. They are not hard and set boundaries. The unique factor with this property is it is across the street from a watershed. On the east side there's not a watershed restriction. On the west side there are watershed restrictions. This just happens to be in the critical area which is our most restrictive, which allows a maximum of 6 percent built upon area and so when you do these plans and you'll see these things come to fruition over the next year or so, you have general bubbles.....you can in these plans do hard and fast lines but typically you have bubbles or areas of influence because you don't want to draw sometimes our lines in the sand and then sometimes you do, so you have to find out which shoe fits and that's the tool that you will use when you do the small area plans.

Commissioner Quarles said I've studied it quite extensively and there are homes or properties directly across the street that's part of it but then the project itself is not, which is kind of weird for it to be directly across the street and not to meet the plan within itself.

Mr. Richards said correct and that had to do mainly with the watershed restrictions in this case. On the west side of Beatties Ford Road they are in the watershed, so that's a more limited basis of what you can develop. On the east side there is not a watershed restriction, so you are able to develop the land more freely.

Commissioner Quarles said I have a lot of family history in that area, a lot from my wife going to Long Creek Elementary School and some of our family members 20 years older than she, so I know a lot about that area. I would hope the Board allow us the opportunity to at least look at it for ourselves.

Commissioner Hunt said can you talk about the road improvement projects in that area.

Mr. Richards said I spoke with Mr. Trott this morning. There is an intersection improvement project slated for that area. We call it the 5-points area. It's Broadway/Beatties Ford and some other areas. They are looking at installing turn lanes as well as a traffic signal.

Commissioner Hunt said I don't know if this is more of a Mr. Trott question or not, but do you think that would alleviate any problems with traffic?

Stephen Trott, Director of Engineering, said the current configuration of the intersection has five legs that come in. The project proposes to make it four. That reduces the number of conflict points at the intersection and also adds turn lanes and a traffic signal, so you have some capacity benefit and also some safety benefit with doing that and controlling the movements.

Commissioner Quarles said back in 2020, January 5, 2020, it's my understanding that.....was there a rezoning for the Oak Grove project.

Mr. Richards said yes, Bowman Development Group did apply for and received permission for a rezoning on the east side of Beatties Ford for the Oak Grove Hill development.

Commissioner Quarles said 100 plus homes.

Mr. Richards said correct.

Commissioner Quarles said just a lot of traffic there. And then I assume that it came back to the board March 20, 2023, for an expansion.

Mr. Richards said that's correct. They asked for a revision to the project which continued it more over towards Mt. Holly-Huntersville Road. They were able to get some additional land under contract and they made some configuration changes to the project and that was also in 2023.

Commissioner Walsh said are there any plans to widen Beatties Ford Road?

Mr. Richards said no.

Commissioner Bergsman said are the applicants in the room. I just wanted to check with the applicants if they are here, if they are willing to pay to advertise for a second public hearing.

Mr. Richards said I did speak with the applicants through email and they were acceptive of that condition.

Commissioner Bergsman made a motion to call/advertise for and hold another public hearing for Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone 2.513 acres and to request a second Planning Board recommendation on the petition. The applicants will cover the cost of the legal advertisements and mailings.

Commissioner Quarles seconded motion.

Commissioner Walsh said I'm actually not going to be in support of readvertisement. Back on September 18 the board voted not to approve this, and I don't see any reason to drag the neighbors

through another rezoning process. The property is not inside the Activity Node. It would affect a total of nine properties because you are going to put that commercial as far north of those other properties. It was mentioned we got elected to manage growth. That was the number one thing I heard during the election and quite often we shrug our shoulders and say it was a project done by right. In this case we have a chance to leave Rural property Rural and not turn it into commercial property and again with no plans to widen Beatties Ford Road, an already overburdened road doesn't need any more traffic on it.

Commissioner Dumas said I am very much on the fence on this one. I've spoken with residents and the applicants and I love the idea of this project. I really feel like it would conserve some land and use the four acres for the turtle sanctuary and they've made lots of changes that I think speak to some of the concerns, but I am not a fan of going outside of the current plan and the precedent that sets for the other homes that are just on that cusp as well, so I'd like to hear from the applicants and the changes, so I will be voting yes to revisit, but I'm very much on the fence with this one.

Commissioner Bergsman said this is more not necessarily about the merits or lack of merits of the application. It's about, you know again tonight I heard it being referred to as unresolved and I don't think that's great policy to leave something unresolved, so for me it's giving everyone who is a party in this application whether they are the applicant, neighbor, community residents, the opportunity to hold a second hearing so that we can resolve this application.

Commissioner Hunt said just because we might choose to go back to the public hearing stage it doesn't mean it's a foregone conclusion that this is going to be approved, but I agree with Commissioner Bergsman in the sense that this is resolving some of the limbo that we are currently seeing for the applicants and then also for the folks in the neighborhood who admitted earlier we don't really know where this is in the process, so this will just help everyone have a sense of closure to this project.

Mayor Clark called for the vote.

Motion carried 5 to 1, with Commissioner Walsh opposed.

Parks & Recreation Commission appointments. Consider appointing five members to the Parks & Recreation Commission due to three expiring terms and two vacancies from 14 applicants.

1. Three-year term, expiring 12/31/2026 (Frank Freeman has served 1 partial term and is eligible, and has applied, for another term)
2. Three-year term, expiring 12/31/2026 (Janelle Harris has served 1 partial term and is eligible, and has applied, for another term)
3. Three-year term, expiring 12/31/2026 (Ash Munro has served 1 term and is eligible, and has applied, for another term)
4. Three-year term, expiring 12/31/2025 (vacancy from Alisia Bergsman resignation)
5. Partial three-year term, expiring 12/31/2025 (vacancy from Mark Burns resignation)

Mayor Clark said I would like to ask the commissioners to please provide five nominations with the partial term listed last.

Commissioner Bergsman nominated Frank Feeman, Janelle Harris, Ash Monroe, Telisa Johnson and Kendyl Brown.

Commissioner Hunt nominated Frank Freeman, Janelle Harris, Ash Monroe, Telisa Johnson and Kendyl Brown.

Commissioner Duman nominated Frank Freeman, Janelle Harris, Ash Monroe, Kendyl Brown and Telisa Johnson.

Commissioner Walsh nominated the same five that have been mentioned.

Commissioner Rivers nominated the same five that have been mentioned.

Commissioner Quarles nominated Frank Freeman, Janelle Harris, Telisa Johnson, Kendyl Brown, Cathy Lewis...she's not on....Margaret Cook.

Emily Sloop, Town Attorney, said it sounds like there was some discrepancies as to the partial term. It didn't sound like the same name was named for the partial term, so we may want to go ahead and separate the partial term out for a vote. You can do that either before or after the nominations for the other four seats.

Mayor Clark said for the other four seats we have Kendyl Brown, Frank Freeman, Janelle Harris and Telisa Johnson. I didn't know if we wanted to give Commissioner Quarles another opportunity because one of the names he mentioned is someone who is not on the applicant list.

Commissioner Quarles amended his nominations to the same five that have been mentioned.

Mayor Clark said we now have Kendyl Brown, Frank Freeman, Janelle Harris, Telisa Johnson and Ash Monroe as nominees. Kendyl Brown and Telisa Johnson are the two partial terms.

Commissioner Bergsman for the motion am I splitting out the partial terms.

Ms. Sloop said just list them and the last two will be the partial terms.

Commissioner Bergsman made a motion to appoint Frank Freeman, Janelle Harris, Ash Monroe, Telisa Johnson and Kendyl Brown to the Parks & Recreation Commission.

Commissioner Rivers seconded motion.

Motion carried unanimously.

Greenway, Trail and Bikeway Commission Appointments. Consider appointing four members to the Greenway, Trail and Bikeway Commission due to three expiring terms and one vacancy, from 19 applicants.

1. Three-year term, expiring 12/31/2026 (Maria Reese has served one term and is eligible, and has applied, for another term)
2. Three-year term, expiring 12/31/2026 (Katie Spikes has served one partial term and is not reapplying for another term)
3. Three-year term, expiring 12/31/2026 (Randy Suggs has served one partial term and is eligible, and has applied, for another term)
4. Partial three-year term expiring 12/31/2024 (vacancy from Theodore Turner resignation)

Mayor Clark said please have four nominations, with partial term listed last.

Commissioner Bergsman nominated Maria Reese, Randy Suggs, Timothy Turton and Sally Walker.

Commissioner Quarles nominated Maria Reese, Randy Suggs, Timothy Turton and Sally Walker.

Commissioner Hunt nominated Maria Reese, Randy Suggs, Timothy Turton and Sally Walker

Commissioner Duman nominated the same four. I just want to say that there were so many applications and it was super competitive and really a tough choice, but I have the same four.

Commissioner Walsh nominated the same four.

Commissioner Rivers nominated the same four.

Commissioner Hunt made a motion to appoint Maria Reese, Randy Suggs, Timothy Turton and Sally Walker to the Greenway, Trail and Bikeway Commission.

Commissioner Walsh seconded motion.

Commissioner Hunt said I just wanted to piggyback off of what Commissioner Dumas said that we were really lucky to have so many wonderful and talented applicants and I just wanted to point that out that there were so many folks, you were so well qualified. It was really competitive, but if there are other opportunities, I would encourage folks to apply.

Mayor Clark called for the vote.

Motion carried unanimously.

Public Art Commission Appointments. Consider appointing three members to the Public Arts Commission due to two expiring terms and one vacancy, from six applicants.

1. Three-year term, expiring 12/31/2026 (April Dunn has served two consecutive terms and is not eligible for another term)
2. Three-year term, expiring 12/31/2026 (Jessica Horton has served one term and is eligible, and has applied, for another term)
3. Partial three-year term expiring 12/31/2024 (vacancy from Crys Roeder)

Commissioner Bergsman said I just wanted to say both Commissioner Hunt and Commissioner Dumas brought up something I forgot to say, but also just want to mention for those who will not be selected tonight, please apply again. There were a lot of great applications. Make sure to fill out as much information as you can think of because that one sheet is pretty much what we use to make these decisions, and if you haven't taken the Huntersville 101 class and you're interested in being on an advisory commission, I strongly recommend that you take that class as well.

Commissioner Bergsman nominated Jessica Horton, Kendall Kendrick and Leonard King.

Commissioner Quarles nominated the same three.

Commissioner Hunt nominated the same three.

Commissioner Dumas nominated the same three.

Commissioner Walsh nominated the same three.

Commissioner Rivers nominated Jessica Horton, Kendall Kendrick and Leonard King.

Commissioner Hunt made a motion to appoint Jessica Horton, Kendall Kendrick and Leonard King to the Public Arts Commission.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Mayor Clark said everyone who applied, I encourage you to apply again. We appreciate your willingness to serve our town.

Town Board Rules of Procedure Revisions. Commissioner Dumas said I think that we received a few emails about this and questions about it so I thought it was best to move it to Other Business so that we could address any questions that might be still within the board. I think that from my perspective we were looking to make the agenda ours as a new board and it wasn't intended to change much except that we wanted to avoid grandstanding and campaigning from the dais and we thought what's one way we could do that and we thought the term "Announcements" would still allow us each to say what we need to and ask questions if we need to and still have that time. I just thought it would be good for us to make comments or discussion. I don't know if we have any because we had the question earlier. So, any other thoughts.

Commissioner Bergsman said I support definitely having announcements higher up in the agenda rather than saving things like that for closing comments because there are a lot of times where events or things were announced in comments but at that point in time everybody had left the room, so I like having that earlier in the meeting. I just want to make sure that we all have clarity or on the same page that Anthony's description of what announcements means is what each of us expected and is in agreement with. And I'm okay with it.

Commissioner Walsh made a motion to adopt revisions to the Town Board Rules of Procedure.

Commissioner Dumas seconded motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Revised Rules of Procedure attached hereto as Exhibit No. 5.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Bergsman

- Provided update from Visit Lake Norman.

Commissioner Quarles

- It's been 14 days since we were sworn in and I'm excited as to how we are governing. We are not going to make everyone happy with our decisions. We've already witnessed some town citizens being disruptive and trying to control the town's agenda and they will continue for as long as we serve. We've already experienced mistruths to things that have not even happened. There have been inquiries, some of the same, that's come before the staff and commissioners in the past. This Town Board of Commissioners wants to build relationships with those who will be against us no matter what we do unless we do it their way. Speaking of that, there's a large number of us who are in here tonight and I assure you that none of us travel in the same direction. Some drove a car, some drove a truck or maybe an SUV. We all got here safely, but I have a question. Which one of us traveled here the wrong way. We want to build trust with our community. This Board has and will continue to seek legal counsel and expert counsel to make sure we are in order with the rules and the law. What pleases me most with this group of commissioners, we are seeking facts and evidence and will block out the noise. This is a group who has an open door policy and who will sit down with staff to ask questions and to learn, have a cup of coffee or maybe even take a tour because constituents have asked. As I said in my remarks on December 4, we have a lot of work to do. We have hit the ground running. The Air Force can lock in on a target from California and launch a drone to accomplish its mission in a foreign country. We, the Board, have locked in on our target which is the great town of Huntersville. Board, let's not change course. Let's continue our mission which is to serve every citizen. Speaking of serving every citizen, we have some underserved residents here in Huntersville. Some of you may know a person and/or family who may be in need of assistance in paying their heating bill. Mecklenburg County Department of Community Resources is wanting to help. Each year they struggle to use the funding they have, leaving the more than \$1 million in unused funds. They have a program that is similar to Crisis Ministries. This program is called Crisis Intervention Program or LIEAP, so if you or someone you know or someone who may have a need for assistance, please reach out to them.
- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Rivers

- To piggyback off of what Edwin said, we definitely need to take advantage of the resources that are being provided by Mecklenburg County. Those LIEAP applications are important and the funding is definitely there, so make sure if you know anyone, please let them know of those resources.

There being no further business, Commissioner Walsh made a motion to adjourn. Commissioner Hunt seconded the motion. Motion carried unanimously.

Approved this the _____ day of _____, 2024.

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 16, 2024

Subject: Approval of Minutes - January 2, 2024

EXPLAIN REQUEST:

Consider approving the minutes of the January 2, 2024 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 2, 2024
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:30 p.m. on January 2, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the Pre-meeting to order.

Commissioner Walsh made a motion to go into Closed Session pursuant to N.C.G.S. §143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Upon return from Closed Session, there being no further business, the Pre-meeting was adjourned.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on January 2, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the meeting to order.

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

Commissioner Bergsman requested an update on how the application process is going for the new firefighter positions.

Jackie Huffman, Deputy Town Manager, said the Board approved the Fire Chief and 18 positions on December 4. On Tuesday, December 5 we began to put on our website an advertisement for the positions that was open until Christmas Eve, December 24. Since that time we have begun to evaluate the applications. We expect to have scheduled interviews, agility tests in the month of January. We expect that process to complete in January. By the end of January we expect to be in a position to have made offers and pending their notice with their current employer in making the assumption that they are currently employed, I would expect that the positions would be filled in the month of February. I think I neglected to say and how odd of me to forget the number. We had some people apply for more than one of the positions. For all of the positions that we advertised, we had over 190 applicants.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Verona Wynn, 13219 New Haven Drive, said I'm here to oppose the widening of South Church Street from Dellwood Drive to Holbrooks Road. I oppose this widening because it would continue the gentrification of the Pottstown community and will make traffic on Holbrooks Road and South Church Street unbearable. The Town has pursued this project since at least 2020, I believe before that and several town people have asked me how to get in touch with the property owners on South Church Street to see what they could do to push this project forward even though it would impact Pottstown greatly. Currently we have a lot of trucks traveling down Holbrooks Road to the landfill and the recycling plant. The number of trucks have increased over the years and now we have cars stemming from the construction of Vermillion. We are sharply impacted by the traffic. I can hear the noise of the trucks bang at the railroad track at my house, partly because I'm on a hill, and it really sounds like dynamite going off in the neighborhood. We know also that on South Church Street there are two cemeteries and a church and two property owners who happen to be over 72 years of age. I would like the town to respect that history that is there on the properties. We hope to have archaeology still preserved there to show that history. I suggest that we not close the Dellwood railroad crossing. Open that up and move the new traffic across down the short curve of Main Street or the other exits that have been created in the last few years. The Dellwood Drive railroad crossing needs leveling and that would be a great asset to safety. Hopefully we are not having a large impact of traffic in Pottstown in the future.

Christine Wolak, 14114 Whitney Hodges Drive, said I'm new to the community. I moved in at the end of September. I noticed on the projection there that the Town social networks that you suggest we follow are Facebook, Instagram and Twitter, all of which are problematic for how they are not monitoring comments and I would like to propose that there be some additional social media outreach or if the information is available on the Town website directly and not have to follow those particular social media sites.

Katie Carpenter, 9335 Beatties Ford Road (Vance Carpenter, 9401 Broadway Street, deferred his three minutes to Ms. Carpenter), said I'm here to talk about the critical watershed designation for 9339 Beatties Ford Road where we are proposing the Long Creek Family Entertainment project. We have learned a lot about the critical watershed and I wanted to share this information with the Board, as well as with community members.

What does critical watershed mean? Critical watershed is a drainage area that is vital for providing water of various purposes such as drinking, irrigation, flood control. Our property is in a critical watershed area due to its proximity to Mountain Island Lake. This designation limits the amount of impervious surface rights available to the landowner. An impervious surface is any permanent artificial structure such as parking lot, asphalt, gravel driveways, roads and even rooftops.

Can you transfer impervious surface rights within the critical watershed area? Yes. Rights can be legally transferred from one property to another as long as they are in the same critical water designation and within reasonable proximity. In fact, Policy EOS-5 Protect Water Quality in the 2040 Plan, states “Continue impervious surface transfer option that allows the transfer of built-upon area between lots.” We own the 4-1/2 acres of undeveloped land next door to the property that we are looking to rezone and that offers an additional 12,000 sq. ft. of impervious rights that are transferrable. Our project plan includes transferring surface rights from that location to the project site to meet parking lot requirements.

Can a business operate in a critical watershed area? Absolutely. There are no laws or codes restricting the operation of a business in a critical watershed area. Huntersville municipal code 3.3.2-A states that landowners in critical watershed areas can use this land for both residential and non-residential purposes. For example, Midas Springs Water is an operational manufacturing business in the critical watershed located just 3,000’ northwest from our project site, which is even closer than to the lake. This property is currently for sale and the listing advertises the property for a possible wedding or entertainment venue. I bet the Town Commissioners will be considering that project in the near future.

Is 9339 Beatties Ford Road included in the Activity Center in the 2040 Plan? No, it is currently not. None of the parcels in the 9300 block of Beatties Ford Road are. That is the entire block from our project site down to the elementary school. Our property is the furthest away from the Activity Center at approximately 200’. One property sits just 25’ from the school and 55’ from Lancaster’s Barbecue.

Why was our section left out of the plan for the Activity Center? After speaking with the Planning Department and a few citizens that were involved with the process, the only reason is due to the critical watershed designation. This decision was made years ago by a committee that did not include the current landowners of our block. The majority of the current landowners want to be a part of this Activity Center. When our project comes around for the public hearing process, you will find documentation from the current landowners stating that they want to be included. Four out of the five of us, that’s 80 percent of the landowners that own 94 percent of the land on this block want to be included. Adding this block to the Activity Center makes sense. Anyone looking at the map and the plans for this area will recognize that these properties should be in the Activity Center to complete the corridor from McCoy/Beatties Ford Road intersection down to Mt. Holly-Huntersville Road. Why stop short on one side of the road due to critical watershed designation when these property owners all have the legal right to be a part of the plan.

Additionally, there’s an intersection improvement project coming at the McCoy/Beatties Ford Road intersection in the summer of 2024. This project is slated to add a stoplight in front of our property and to take a portion of land from the front yards of these Beatties Ford Road homes. The intersection project calls for adding three new turn-lanes at that intersection as well as a 10’ wide sidewalk that will encourage pedestrians to walk rather close to the homes of the front yards.

Please consider this information as you are reviewing our rezoning request. Community plans like the 2040 Plan and the Beatties Ford Road Small Area Plan are only visions and guides for our future. They were not written in stone. They are designed to be flexible and change alongside the community as we grow and our needs change. On Page 61 in the 2040 Plan, it states “Some decisions are complex, and it will be up to the town leadership to take a balanced look at both the intent of this plan and the specifics of any site and/or proposal before them.” It helps to remember that nothing worth achieving comes without a price and so we must weigh the costs and the gains of future decisions.

The 2040 Plan was designed to be flexible with each rezoning request review given current and future plans for the area. The Beatties Ford Small Area Plan was adopted in 2007 when there were around 40,000 residents in Huntersville. Today the town has over 65,000 residents. Moving an Activity Center 200' is a small request to consider when you think about how 25,000 new residents will impact the overall envision of Huntersville. Thank you for your time.

Mark Nelson, 9407 McCoy Road, said I'm here to express my support for the Long Creek Family Entertainment rezoning proposal. I've been at my property for approximately 7 years now and I'm less than 100 yards away from where the proposed project is located, diagonally across Beatties Ford. Most people know me as the yard that the fence gets laid down a lot. A little bit about me, I've been in the Navy for 26 years, retired. Moving around to different places I'm used to the bases or the neighborhoods providing activities, sports venues, things like that, that are available to us and I think what Jon and Katie are proposing is basically the same thing. It gives us a place to go to do things and my benefit is it's within walking distance. I've been to a few events over there. I've been introduced to some good people, met some people that have different interests which also interest me. I've met other retired military or Vets and they've invited me to different little type air shows, a fly in, which I participated in and had a great time and some other things that they offer or plan to offer that we've already taken advantage of. Jon and I both play around with little bonsai. We've exchanged some plants, things like that. My wife and Katie have exchanged recipes for allergies and things like that that we have in common or share. That's some of the positives I see from it and I followed the process a little bit and I've heard neighbors who voiced a disinterest. One of them said that she worried that the rezoning project would stop her from spending time with her future grandchildren. I have grandchildren now and I've taken them over on multiple occasions for different activities. They have two large tortoises that they've rescued. It's very educational for the kids. They are welcome over there. They get treated with respect and they're taught little lessons while they are there which I think is great. As a grandparent myself I love the idea of the project being right next door.....it's friendly, local, family-owned, educational. It's also letting the community get together. We walk over there quite a bit when they are at the house. We hope you see the positive impact a place like this would bring to Long Creek as well as Huntersville. Please vote yes in support of this rezoning so more residents like us can have access to social, physical and mental benefits that are unique.

Jon Eury, 9339 Beatties Ford Road, said I'd like to say thank you for taking our project out of limbo. That was a big step. That took a lot of pressure off a lot of us. We are proposing to rezone our property to Highway Commercial – Conditional for the Long Creek Family Entertainment project. I wanted to speak about what conditional zoning means and how it is not the same as a full-blown unrestricted Highway Commercial zoning. The conditional designation allows landowners to make use of the property that they desire while incorporating conditions that address the concerns of the neighbors and local government. Said another way, conditional zoning allows landowners and local government to find mutually acceptable alternatives to the traditional zoning. The restrictions that are imposed for conditional zoning are usually site specific and are not always found on similarly zoned properties. In a 1988 North Carolina court case, the court observed the conditional zoning is an outgrowth of the need for compromise between the interest of a developer seeking appropriate zoning changes to his tract and the neighboring landowners whose property interest would suffer if the most intensive use of the permitted.....let me start that again. Conditional zoning is an outgrowth for the need to compromise between the interest of a developer seeking to appropriately rezone changes for his tract and the neighbor's landowner whose property interest would suffer if the most intensive use permitted by the new zoning classifications were instituted. In an attempt to reconcile these conflicting pressures, the municipality will authorize the proposed change but minimize the adverse effects when imposing the condition. I bring this up because as we are going through this process, I'd like to remind the Board as well as the community and the neighbors, that we are not asking for full Highway Commercial rights at

our location. We are asking for Highway Commercial as it is the only classification that allows for outdoor recreation. Any game played outside is considered outdoor recreation. That's cornhole, bocce ball, croquet, anything. We would like to offer outdoor recreation and therefore we have to ask for commercial zoning, but we are voluntarily petitioning for the conditional zoning restrictions. These restrictions we are asking will protect the interest of us all, local government and neighboring properties. We look forward to telling you guys more about our project.

Mack Gaston, 9212 Toledo Road, said I live in the mobile home community near Hambright and McCoy. My family has been over there for four generations in the Long Creek area. We all attended Long Creek school. We all attended Alexander and North Meck High School as well. I'm here today to express my support for the Long Creek Family project. We all have seen Steven Spielberg movie The Goonies, right. If you haven't, you missed out. I'm a product of the 80's and that movie very much reminds me of the type of childhood I had. We all knew our communities. Every weekend we all had fun exploring and adventures. We all knew that friends based on the pile of bicycles we had from our friends coming over and just having fun. A lot of times we would also take our bikes and ride down to Long Creek School, play out there on the field and have lots of fun and also attended over where Puckett's used to be where it's called Lancaster's Barbecue now, which they converted over and a lot of y'all probably know that, but at Puckett's you could get a soda, play on the baseball field out there and practice and also that's where mainly I had a lot of fun with my friends out at school. We would even hike and see other games on the property where the old teacherage used to be out there. Long Creek has a lot of charm and is not the same neighborhood that it used to be. What happened to those days when Rec league sports were played on those fields behind the school. Not all of us can afford to sign our kids up to do traveling team or go on all the new activities now. Puckett's was a great hang out. Lancaster's, like we had mentioned about the barbecue, but you can go out there and eat, and it doesn't offer really any outdoor activities over there, but Long Creek is just really an outstanding area all together. Sometimes instead of believing and watching social media, I looked up the address and noticed at some place where I looked up there's a vehicle they had for sale out there. Since this is right around the corner from me and I didn't know a stranger, I stopped by again to learn more about this project. What these guys have planned really warms my heart.....offering the Long Creek community a change to bring back much of the character we've lost, a place where I can bring my grandkids and point out that, oh man I'm getting old.....

Mayor Clark noted Mr. Gibson's three minutes were up.

Commissioner Quarles introduced Ginny Harper, Community Program Coordinator for Mecklenburg County.

Ginny Harper, Community Program Coordinator for Mecklenburg County, presented information on the Crisis Intervention Program (CIP) and the Low Income Energy Assistance Program (LIEAP). *Refer to PowerPoint attached hereto as Exhibit No. 1.*

AGENDA CHANGES

Commissioner Bergsman made a motion to adopt the agenda. Commissioner Walsh seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Dumas made a motion to approve the minutes of the December 4, 2023 Regular Town Board Meeting. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution Providing for Deputy Town Clerk. Commissioner Dumas made a motion to adopt Resolution providing for a Deputy Town Clerk. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Call for Public Hearing – Petition #TA23-08. Commissioner Dumas made a motion to call a public hearing for February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove “Regulation of Nuisances” language. Commissioner Hunt seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R23-10. Mayor Clark called to order public hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +/- 6.00 acres located at 15105 Holbrooks Road from Transitional Residential and Neighborhood Residential District to Special Purpose – Conditional District.

Mayor Clark noted the petitioner has requested the public hearing be continued to January 16, 2024.

Commissioner Walsh made a motion to continue the public hearing on Petition #R23-10 until January 16, 2024 at 6:00 p.m. at Town Hall.

Commissioner Bergsman seconded the motion.

Motion carried unanimously.

Petition #R23-11. Mayor Clark called to order public hearing on Petition #R23-11, Morningstar Storage, a request by Morningstar Properties to rezone +/- 3.934 acres located at 16230 and 16204 Old Statesville Road from Special Purpose and Highway Commercial to Special Purpose - Conditional District for an indoor storage facility.

Jesse James, Principal Planner, said this is a request for a conditional district rezoning for Petition #23-11, Morningstar Storage. On the screen what you will see is the current zoning map and the hashed area for the proposed rezoning location. You’ve got 16230 and 16204 Old Statesville Road. There at the corner is the 16230 address where the majority of that proposed building is proposed to be placed.

This rezoning is currently composed of a Special Purpose zoned parcel and a Highway Commercial zoned parcel. The proposed rezoning would be for Special Purpose – Conditional district for the purpose of an indoor storage facility.

On the page you will see the context map. It kind of gives you an idea of what is currently either approved or out in this area. You see Huntersville McCord Road Industrial there to the northeast. There’s Northbrook subdivision a little further to the northeast and Spring Grove subdivision. All these

are fairly new recently approved projects. And then there in the middle you see the proposed site for the indoor storage facility.

Moving to the proposed site plan, again you've got 16230 which is that northern parcel and 16204 which is that southern parcel in the red. The proposal is to recombine those two lots for the use of the indoor storage facility and again the proposal is for Special Purpose – Conditional District which allows indoor storage.

Article 7.....one of the main reasons the rezoning is happening in the purple area, you see those are approximate lines. Indoor storage as a use is allowed in Special Purpose, which is that purple district, however there is an 80' buffer requirement since the adjacent property to the south is Highway Commercial. In those instances, the Town requires an 80' landscape buffer. In order for the applicants to have a feasible site, they have asked to do a conditional district rezoning to have the area available for that 80' buffer, which is that red area. Part of the modification request for that 80' buffer is to reduce that to 66'. Part of a buffer requirement is to have a certain amount of vegetation. They have proposed to use the same amount of vegetation as you would in an 80' buffer as you would in a 66' buffer. That is the modification request. Because this is a conditional district rezoning, there is an allowance for variation of what's allowed in the ordinance, so that is a modification request.

There is a tree save requirement in Huntersville in this district for Special Purpose, which is the proposed zone, that is 30 percent. This plan saves 40 percent.

There is a reduced parking requirement for this type of use since there's not a lot of customers in and out and parking at an indoor storage facility. There's 26 required spaces and they have provided that minimum number.

What you see on the screen here.....I don't know if it's too late, but I'm not sure if I entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

On the screen you have the proposed elevations. The one on the top is the corner of McCord Road and 115 looking southeast and on the bottom you've got the northwest view looking from Highway 115 going north. This is the proposed elevations as they pertain to the requirements of the ordinance. I've kind of worked back and forth with the applicants on getting that minimum requirement which in the Town of Huntersville what we ask is that the building is pulled to the road frontage and have a pedestrian feel to it, whether that be windows or modulating features on the walls, varied roof heights, so it doesn't look like one flat building. With accordance to Article 4, staff believes they've met that minimum requirement.

One other item worth noting is Article 7.5 which gets into the buffering that we've talked about briefly before. There is an 80' buffer requirement on rights-of-way as well, however you have the ability or the applicants have the ability to reduce that fully if the architecture addresses the street frontages.

Moving towards the 2040 Community Plan which is the guideline that we use to make sure any proposed rezonings meet the Town's wants and needs for the future, through analysis staff found that the proposal is consistent with some of the land use items and is not consistent with others. It is consistent with LU-5.1 which talks about more intense development can be proposed only where transportation infrastructure already exists. We believe this proposal does that. And then the design street improvements with consideration for surrounding context and various users, so in this particular street corner which would be two thoroughfares, we do have a requirement for 10' side path which

elevates our multi-modal type needs, so you can use it for walking or riding bikes, whatever that might be.

As far as what it's not consistent with, staff found that in the 2040 Plan the map you see in front of you there's a blue area which is Employment Center, which is that northern piece of the property and then there's that orange piece which is Town Core. In the Employment Center area we're encouraged to have a development pattern that ups employment type uses. A storage facility generally doesn't have many employment uses at any one time. Generally, it's one or two onsite at any time. And also LU-6.3 talks about small scale neighborhood serving commercial and office uses which they may be allowed in that Town Core area or moderate density areas. Staff does not believe that a mini-storage would support a small scale or neighborhood serving commercial or office use.

Moving forward to staff recommendations, in considering this rezoning 23-11, we believe that the proposal does generally meet site and architectural standards which I talked about briefly before. It also meets most minimum zoning requirements other than the proposed modification request for the buffer. We do not believe that it is consistent with the envisioned uses set forth in the 2040 Community Plan. Those were Sections LU-1 and 6.3, however it is worth noting that three of the four acres that encompass this rezoning proposal do allow indoor storage as a use by right. The one added lot that would require a conditional rezoning, which is that southern piece, we believe that the addition of that for the buffering is an appropriate use for approval.

One condition that we do have for approval is we would like to see how that vegetation within the 66' buffer looks with a cross-section on the plans to make sure that vegetation can meet its full growth. So that's one question we have and a condition that we would like to see moving forward on the plans.

Typically, in a rezoning we also have minor staff comments. We haven't gone through all the reviews for the plan so there are some minor staff comments for Engineering, some for Planning. Usually if they are minor type of comments, we will use this type of condition that way we catch all of those before it's actually stamped and approved if it does move forward with approval.

That's all I have for you. I'm here for any questions to be answered. Also, the applicants are here. They have a presentation as well.

Commissioner Walsh said it looks like right-in/right-out only, so if somebody were to use the facility and want to go south on Old Statesville, they would have to go somewhere else and do a u-turn, correct?

Mr. James said correct.

Commissioner Walsh said the frontage that is off of Old Statesville.....at some point I know we would like to probably widen Old Statesville. Is there enough room there. Is there right-of-way so that if that were eventually widened, we don't lose like our multi-modal path.

Mr. James said yes, the plans that we reviewed we require the future right-of-way to be on the plans and then they base their plans off that future right-of-way.

Commissioner Walsh said so the right turn I know I think was part of the Spring Grove approval, that will happen separate, but there will be if it's widened enough room.

Mr. James said I believe on the Engineering analysis that section of McCord Road for this proposal isn't within that improvement for Spring Grove if I'm not mistaken.

Commissioner Walsh said the buffer requirement, you said that they have to plant as many plants or whatever as they would in an 80'.

Mr. James said they don't have to. Staff would like to see what that cross-section would look like because in their modification request they have offered to put the same amount of plants as would be in an 80' buffer. How that works is they take 1,000 sq. ft. sections and whatever that total square footage is you would spread that vegetation within that buffer, so they have offered to keep the same amount of plants as there would be in 80' in that 66' size buffer. We don't know necessarily what that looks like. I believe they show that in their presentation. I have not vetted that for scaling purposes yet because we haven't reviewed the plans fully before the next round.

Commissioner Walsh said so you're not comfortable with the buffer requirements at this point?

Mr. James said not quite yet, but I could be if we see that cross-section.

Commissioner Walsh said when are they supposed to show this cross-section?

Mr. James said we have comments in and we'll review those plans. I think they are due for full staff review by January 11, but it would be done prior to the final approval staff report.

Commissioner Walsh said or before going to the Planning Board.

Mr. James said likely, yes sir.

Marshall Macon, Morningstar Properties, said I wanted to give a little bit more additional color on what Jesse already reviewed. *PowerPoint attached hereto as Exhibit No. 4.*

Here we've got a little sample of some of our development projects. We are a vertically integrated owner, operator and developer of self-storage facilities, so I think this is trying to use these examples to allay any preconceived notions on what kind of first generation storage product types look like. A handful of these projects are urban infill projects that probably don't fit the context of this corridor but just an example of kind of what Class A storage facilities can represent.

A little background on Morningstar. We are locally based out of Matthews, NC since 1983. We've got a strong local presence. We own and operate 19 facilities in the Charlotte MSA and I highlight that to say that we are long-term owners and operators and not merchant builders. We focus high attention to detail on the quality of our product. I think both our aesthetics and our customer service are differentiators in our asset class.

Jesse was pretty thorough in this, but just to kind of highlight the two parcels here, it's the SP and the HC. Storage is by right in the SP and essentially what we are requesting is to rezone the HC and then rededicate a large portion of that as the landscape buffer. A general highlight here of just kind of some of the surrounding zoning context, I think commercial use fits and aligns with the Highway Commercial and Special Purpose, not a ton of residential immediately adjacent to us.

A couple of questions that we consistently get on our product are around the Employment Center which Jesse has already raised and then about traffic. The comment on the Employment Center is while we don't employ hundreds of employees, there is a significant economic benefit to our use, so we are looking at a potential 1400 percent increase in real estate taxes and then on the backside we don't

overburden infrastructure, utilities, schools and all of that, so it should be a net gain financially. From a traffic standpoint we are a very low intensity use, so while we have a three story building with some presence, I mean these are ITE engineer calculations on traffic and they calculate about 24 vehicles per day, so it's low intensity use and we have actually done internal studies on the multi-story product and we found that that number is reduced, we find about 12 to 13 visits per day. We understand local concerns around traffic, so just wanted to put a visual together to allay any concerns around that.

Here is the site plan that we showed you before kind of highlighting that 66' landscape buffer we intend to retain and then we've got that section that Jesse was talking about right there, so I think if you look at it, the requirement is four trees per 1,000 sq. ft. of buffer area. What we have done there is tried to highlight the mix of required plantings within a 66' buffer to show how feasible it is. Our intent would be to meet the requirements on the 80' buffer for the reduction down to 66'.

Just finishing up with some renderings. We've had good dialogue and back and forth with Jesse and staff trying to get this to appropriately fit the vision, so we've added a ton of elements – we've got brick, we've got building articulation, awnings and a ton of glazing to try and offset some of the scale of the building. Hopefully this is a product we can be proud of. Then there are some color elevations of the two front edges.

Commissioner Dumas said by right we know that you can put a smaller facility on the first lot that's already zoned appropriately. Did you consider that initially? Has that been even looked at or considered?

Mr. Macon said we did consider it. It's not economically feasible. The constraints of the site are on the back side – we've got Norfolk Southern right-of-way and then on each front side you've got landscape buffers that we're requiring, so in order for us to build what we need here we need that additional 25'.

Commissioner Dumas said there's currently somebody living on the property in a trailer. I just want to make sure they are aware. If they are renting, they're aware. If they're the owner, they're being compensated.

Mr. Macon said we have accounted for that in the contract.

Commissioner Dumas said would you consider adding solar panels to the roof?

Mr. Macon said we have been rolling out solar panels across our portfolio, so certainly something we are open to.

Commissioner Hunt said is there some kind of data or research to support the necessity for a storage unit, like any sort of market research?

Mr. Macon said we have done our own internal market studies on this trying to weigh supply and demand and everything. Yes, this fits comfortably within what we are comfortable with. If you talk about it, our general what I would say like an oversaturated market would be like north of 20 sq. ft. per person and this is maybe a little wonky for you guys, but we're closer to like 10 sq. ft. per person in this trade area and with all the growth.

Commissioner Hunt said I just saw some of the tree species that you had on there. I didn't get to all of them, but would you be interested in planting any native tree species there?

Mr. Macon said we prioritize landscaping and we are open to anything there.

Commissioner Bergsman said have you built any mini-storage that has a mixed-use component with retail or commercial on the ground level?

Mr. Macon said we have not. We have tracked a few other developers that have done that and what we have found is that it is very tough to get commercial tenants and they end up converting the intended commercial space to storage use at the end of the day. One of the biggest challenges on that is the additional parking requirements with an elevated commercial use.

Commissioner Bergsman said the reason I ask is because this is in or adjacent to an Employment Center and the Town Core and that's a bit more innovative look at indoor storage and there are small footprint businesses that I could see in need of spaces like that so I was curious if that is something you would ever consider.

Mr. Macon said one thing we do is we donate up to 10 percent of our units to local charities and businesses. There might not be a retail storefront, but we certainly try to integrate ourselves within the community.

Commissioner Bergsman said another buffer question. That section on the east side, is that just going to be grass or what's the reasoning by leaving that so open?

Mr. Macon said you've got the right-of-way setback and you've got the 10' pedestrian walkway that we are trying to incorporate and then on either side of the pedestrian walkway requiring mature trees on each side, so we're accounting for right-of-way, two rows of mature trees and a 10' walkway.

Mr. James said what he's referring to are the front landscape planting area requirements. That buffer on the McCord Road and Statesville Road side, since they met Article 4 which is the Architectural Standards, is able to be removed fully. I think your question was the green.....

Commissioner Bergsman said I'm just questioning what that space is.

Mr. James said I think that's just a rendering, so that wouldn't be.....

Mr. Macon said that's the 66' where we are going to have to go in and populate it with the four trees per 1,000 sq. ft. That is not going to be grass, that will end up being the 66' landscape buffer with trees. We would require that all the way back to the railroad right-of-way, so that wouldn't be a grass area.

Commissioner Bergsman said I'm pretty sure I know the answer to this already, but just the way that it was worded in the transportation/storm water, this is probably more of a staff question. I'm just making 100 percent sure that the designs are ADA compliant where the entry/exit points are with the sidewalks. And there was one thing when you had the neighborhood meeting. I just wanted to check and I don't know if this is.....I wasn't at that meeting so I don't know if this was just mistyped but there is a comment in there that at that meeting you said the required buffer would be located on the site, which the required buffer is 80', so at that meeting did you already know that you were going to be asking for a 66' modification or is what was presented then versus now.....

Mr. Macon said I think we did know at that time. There's been a couple of last minute changes coordinating with DOT and landscape requirements where the condition has changed by a few feet, so yes we knew.

Commissioner Bergsman said is that what you said at the meeting, because in the minutes it says that you had the required which is 80'.

Mr. Macon said I don't recall to be honest.

Mayor Clark called for public comments.

Tami Styer, 10225 Hagers Road, said my husband and I live at 10225 Hagers Road. Our property is adjacent to the MI Homes Spring Grove development that's currently under construction, but my comments tonight are relating to the storage facility at the corner of McCord Road and Highway 115. The site plan for this project shows the installation of a 10' multi-use path shown as a concrete sidewalk, which I think Jesse and the other gentleman have mentioned. It borders the south side of McCord Road as well as the east side of Highway 115. I think this project is creating a great opportunity for the installation of a crosswalk across Highway 115. There are residents, as Jesse pointed out, at Northbrook which also includes Oak Farm as well as MI Homes Spring Grove development and there's over 300 homes in those two developments that if they had safe access across Highway 115 they could walk to the North Mecklenburg Park as well as the Community Church and other businesses, I think there's a small farmer's market or something like that in that area. But as you know the sidewalks on the north side of McCord Road from Northbrook and Oak Farm developments, they've been installed recently along McCord Road as well as the industrial project that installed the traffic circle along with the sidewalks that are connected to the Northbrook sidewalk. That sidewalk goes to the railroad crossing but it doesn't cross the railroad crossing. That would have been ideal to have that access to cross all the way over the railroad tie, but we may have missed that boat. MI Homes will be completing sidewalks from their Spring Grove development that will tie into that traffic circle, sidewalks as well. And as I mentioned earlier there are over 300 homes, all with sidewalk access, that could easily walk to the park and to the church. Even though the sidewalks are on the north side of McCord Road, residents could cross McCord Road after the railroad crossing and reach the sidewalk that will be installed by Morningstar Properties. All these sidewalks are a very nice improvement to the walking community and the addition of a crosswalk across the very busy Highway 115 could provide the community safe connectivity to these public amenities, and so I'm asking that the Town please include the addition of a crosswalk across Highway 115 as part of this project.

Anna Rubin, 16214 Hollingbourne Road, said thank you for the opportunity to talk today about this rezoning. I know it's going to go to the Planning Board and they will have a lot of deep dives that they are going to do before it ever comes to you but I wanted to ask that we consider the buffers not being reduced on the south side, but also not being reduced on the north side. I don't know exactly how that goes with the building façade sort of complying with a little bit more of the town feel, but I think it's a very large building. I don't want to say it's a monstrosity, but it's a very large building and it's a small corner there. And it's a corner that's leading to a lot of residential areas. I know I drive by that corner every day and to turn that corner and feel like you could almost reach out and touch this building is a little overwhelming to me. I think having a little bit more of a buffer to keep the feel of the neighborhood and of the smaller area would definitely benefit the town and the residents, even those that are biking or walking down these sidewalks. It feels like on the north side they really reduced that buffer between McCord and the building and I would just love the developer and the Town to consider not reducing that as much so that it's a little bit more greenspace, a little bit more area for trees. I know it shows two big trees, but if you really go and walk that, I did that today, I couldn't figure out how that could even be there with the sidewalk and trees and just seems very compressed there. I think it would just be beneficial to.....I'm okay with rezoning, but I think the building needs to be adjusted a little bit

and possibly reduced in size to keep the feel of that area. I would just like everyone to consider that and think about what we could do to not feel like that whole corner is being taken over by a large building.

There being no further questions or comments, Mayor Clark closed the public hearing.

Petition #TA23-06. Mayor Clark called to order public hearing on Petition #TA23-06, a request by the Huntersville Planning Department to amend the Zoning Ordinance to comply with House Bill 488 regarding the North Carolina Residential Code, Alternative pavement design standards within developments, and update the threshold for requiring a GC license for construction work.

Nathan Farber, Planner II, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

Petition #TA23-06 is a proposal by the Planning Department to bring the Zoning Ordinance into compliance with the recently passed House Bill 488. House Bill 488 now includes three and four family dwellings and the in the NC Residential Building Code previously it was only limited to one and two buildings. This change does mean that these dwellings can no longer be subject to the architectural requirements. To comply with this required change staff proposes removing “for One and Two Family Dwellings” from the affected articles in the Zoning Ordinance.

The bill also includes changes to the permit dollar thresholds for requiring a GC license for construction work. That threshold has been increased to \$40,000. The bill also provides alternative pavement design standards within developments. To comply with this change we are going to add the language “Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with NCGS 160D-804(j).” These changes will not affect the way driveway permits are issued by the Town.

On October 5 the Ordinances Advisory Board recommended approval with a vote of 4-2-1 with a recommendation for staff to review language related to items listed that generally require a building permit, specifically a hot water heater. The current proposed ordinance states that these items are generally required and serve to give examples of items that may require a permit. It does not say that these require a permit. Mecklenburg County issues our building permits and clarifies what items require a building permit.

Commissioner Walsh said while the HOAB did vote to approve this, it seems like some voted against it. Why would they vote against complying with state law?

Mr. Farber said they were merely questioning I believe why we included the highlighted items when Mecklenburg County does not require a building permit for those.

Emily Sloop, Town Attorney, said just to clarify, they sometimes do. There’s a very specific exception in the statutes when the hot water heater installation, or replacement I should say, would not require a building permit. We don’t list out each and every exception in our ordinance because if we did then our ordinance would be probably 10 to 20 times the size that it is now, rather these were listed by way of example. They are not meant to be exhaustive.

There being no further questions or comments, Mayor Clark closed the public hearing.

Petition #TA23-07. Mayor Clark called to order public hearing on Petition #TA23-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 12, Section 12.2.1. “Interconnected” to revise the definition.

Patrick Patterson, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report attached hereto as Exhibit No. 6.*

In 2018 several images of streets in our Zoning Ordinance were removed because of the adoption of the Engineering Standards and Procedures Manual.

In the definition section of our Zoning Ordinance, the definition of “interconnected” states “Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 5, Streets.”

The images referenced in the definition were removed, making the reference irrelevant. This proposed ordinance change is looking to remove the irrelevant text (See illustrations, Article 5, Streets) that refer to those removed images.

Staff recommends approval of the proposed text amendment TA23-07 to provide clarification of the contents of the Zoning Ordinance.

On October 5, 2023, the Huntersville Ordinances Advisory Board recommended approval with a vote of 6-0.

There being no questions or comments, Mayor Clark closed the public hearing.

OTHER BUSINESS

Resolution – Right-of-way for Church Street – Holbrooks to Dellwood Project. Commissioner Dumas made a motion to continue Item 10.A to the March 4 Board Meeting at Town Hall at 6:00 p.m.

Commissioner Quarles seconded the motion.

Commissioner Dumas said I just think that we need more information. This has been a long plan that has been brought up multiple times over the years and it's all piecemeal and I just think that for our benefit and the public's benefit that we really need to have more information in front of us before we move forward with that. I have major concerns just on walking the site and I just have a lot of questions and there wasn't a lot of information yet all in one place, so I would really like to revisit it.

Commissioner Bergsman said I just wanted to add to that, I definitely have a lot of concerns about this and I also feel that we could be doing a better job of engaging the community that's going to be impacted the most. I'm definitely on board with moving it to give us time to do both of those.

Mayor Clark called for the vote.

Motion carried unanimously.

Fire Department Operating and Services Agreement. In order to carry out the transition for fire services from contracted services to “in-house” services, the Town must update the current Operating and Services Agreement (OSA) to set forth the terms for the transition and to indicate the time frame for moving from an OSA to a pure service agreement for supplemental services. The revised OSA sets forth those updates.

Commissioner Quarles made a motion to approve the amended Operating and Services Agreement with HFD, Inc.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Amended Operating and Services Agreement attached hereto as Exhibit No. 7.

Sustainability Committee Discussion. Commissioner Hunt said to begin our discussion I would like to share the prevalence goals and purpose of creating a sustainability committee in Huntersville. Many other municipalities around here have sustainability committees – Davidson, Charlotte, Winston Salem, Boone, Lewisville, Asheville, Chapel Hill, Belmont, Greensboro, Elon, Hendersonville, and Matthews just to name a few. The committee could potentially be comprised of nine experts in the areas of education, environmental climate science, infrastructure, forestry or like an arborist, energy conservation, alternative energy, and sustainable business practices.

The committee could meet monthly and advise commissioners about Huntersville's sustainability efforts and opportunities to protect the natural environment and could potentially focus on four things. One could be a community education and engagement, advise and make recommendations regarding community education and outreach. The second could be green building and infrastructure, so advise and make recommendations regarding codes and ordinances related to green building and materials. This could potentially include making improvements to storm water run-off, permeable pavement and rain gardens, increasing walkability and bikeability and so on. The third priority could be identifying policies to reduce greenhouse gas emissions, specifically those from methane and fuels, so we could potentially implement composting, install some EV charging stations and update the town fleet. And then lastly enhance the natural beauty and livability by advising on ordinances and policies to preserve the tree canopy and enhance the natural beauty through native species.

To share some additional purpose and to zoom out for a second, I would be remiss if I didn't share some research and stats. According to the Pew Research Center, nearly three in four people believe that climate change is hurting Americans today. Many folks have seen the devastating impacts of climate disasters from the wildfires in Maui to hurricanes in Florida and although we are not directly feeling the impacts of sea level rise or dealing with wildfires, we have seen things with major environmental implications in Huntersville like the Colonial Pipeline spill, a disproportionate number of ocular melanoma cases and a drought in 2007 that caused concern about the future water supply statewide. Back to the research mentioned a moment ago, it's notable that many young people feel that harm will befall them due to climate change. In fact, eight in ten respondents felt that way. I think it's important to take action for posterity sake. What thoughts does the group have.

Commissioner Quarles said this would be a great way of saving energy and not creating waste and product source, but I have a question for staff. Are there ways that we can incentivize businesses to participate in something such as this.

Emily Sloop, Town Attorney, said it could be something that we could research and look into in terms of options.

Commissioner Quarles said because I've come up with some different ideas where it would be a win-win where the town could partner with some of our local brewers for example. There's a program in Richmond, VA that I know of where the breweries are working with the local town and I just love the Huntersville above Charlotte t-shirts and it's definitely something I would love to share later with the staff in regards to how we can profit from this as well as participate in sustainability.

Commissioner Bergsman said question and a comment. Are we talking more about a committee that's going to be in existence for multiple years or something like last year's Affordable Housing Task Force where it was set with a clear end date.

Commissioner Hunt said I think because this is an ongoing kind of issue and we're always improving, it would be more of ongoing.

Commissioner Bergsman said I was also just doing a little bit of research and we hear about the 2040 Plan a lot so I looked at that when I saw the email that we were going to talk about this on the agenda tonight and I just wanted to bring up a few things that I feel are relevant and also highlight that moving forward with something like a Sustainability Committee is also aligned with our 2040 Plan. First, I just wanted to repeat for those who don't know it, the vision statement, because it does talk about environmental safety. And so from the 2040 Plan "By 2040, Huntersville will be a vibrant community rooted in the past while looking towards the future. It provides attractive options for its residents to live, work, play and grow. Pursuing the highest level of excellence, the town will guide growth and development in a way that prioritizes quality of life, green spaces and environmental safety, meaningful economic development, and multimodal transportation." So especially when this is right in the vision statement, I feel that this is a logical next step. Also, in the 2040 Plan there's the EOS-9 which is the Environmental and Open Space section of the document and I'm not going to list all the things in the plan that are relevant to this, but I do want to highlight one or two which is the recommendation to promote sustainable sites and buildings and then 9.1 to promote the use of energy efficient building and neighborhood design. I just want to bring those up because this is something that the community gave feedback on and I support and I feel that it's in line with the vision of the town and the priorities, so I like the idea.

Commissioner Walsh said I think this would be an invaluable group for our town and we certainly are needing it. Any idea of what staff time would be involved or number of staff folks.

Commissioner Hunt said I think two staff members and one person to take notes and I think the staff time depends on research, presenters, time allocated for meetings. The committee could meet in the afternoon around 3:30 to alleviate the need for staff to extend their workday to attend the meeting.

Commissioner Rivers said the committee, will you look at, besides staff, outside sources as well for any type of I guess recommendations or anything like that.

Commissioner Hunt said ideally it would be great to have folks from a couple of different areas that could advise us and they would be experts in those particular areas, but some of those that I had mentioned are folks who are in education, environmental climate science, infrastructure, forestry, etc. Is that what you were asking?

Commissioner Rivers said yes, and also you might want to look at some non-profit organizations that offer that and the reason why I say that is because coming from a community where we have definitely struggled with environmental sustainability, we had to seek other options as far as non-profit organizations that have come out and have given reports on our air quality. Where they've tested from

our Torrence-Lytle building, because there have been tests that came back where there is asbestos in that building so it has been an issue within our community, so that would be very good for you to go out and seek some non-profit organizations where you don't have to pay to get that information. They are willing to do that and they have the funding for that. That is what they specialize in, but also too I want to bring up just the fact that I do support this committee. I think it would be beneficial for the town as a whole in its entirety. Like I said in dealing with this and going through this for many years with the landfill and being affected and our residents being affected, I think this will be very great, educational, as well as getting the input from the residents here in the Town of Huntersville.

Commissioner Dumas said do you imagine this committee to review zoning requests and offer guidance similar to my question earlier with the Morningstar?

Commissioner Hunt said no I don't.

Commissioner Dumas said so they wouldn't be involved in the rezoning requests, but they would have some potential ideas for how we could approach it with our.....

Commissioner Hunt said right, I believe they could make some recommendations or advice on specific ideas, policies, ordinances, etc.

Mayor Clark said I guess we don't need a motion, but we'll take a straw vote to direct staff to proceed with the formation of this committee.

The Board unanimously agreed to direct staff to proceed with the formation of the committee.

CLOSING COMMENTS

Commissioner Quarles said I just want to say happy new year to all the citizens of this great Town of Huntersville and this coming Thursday the Lake Norman Chamber will have their government session for Junior Leadership Lake Norman.

Commissioner Bergsman said I have nothing except wishing the community a happy and healthy new year.

There being no further business, Commissioner Walsh made a motion to adjourn. Commissioner Rivers seconded the motion. Motion carried unanimously.

Approved this the ____ day of _____, 2024.

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: January 16, 2024

Subject: Property Tax Refunds

EXPLAIN REQUEST:

Attached is the Refund Report from Mecklenburg County. This report contain two refunds totaling \$114.58, which includes \$3.07 in interest. The refund is the result of the Property Tax Commission.

ACTION RECOMMENDED:

Approve Board Action

FINANCIAL IMPLICATIONS:

Decrease in Revenue

ATTACHMENTS:

1. 12-28 Huntersville Refund with Interest 23 12 20

HUNTERSVILLE Refunds

Tax Year	Bill Number	Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 2/1/2024 (\$)
2023	0008264885-2023-2023-0000-01	01110554	REI	619106	BER Decision	12/15/2023	FREEMAN, WILBERT J AND FREEMAN, DIANE L	6208 WILLOW PIN LN	HUNTERSVILLE	NC	28078	1/6/2024	79.20	2.18
2023	0008282110-2023-2023-0000-00		IND	619095	BER Decision	12/14/2023	TODD, JOHN LUCAS	13134 ALLISON FERRY RD	HUNTERSVILLE	NC	28078-8372	1/6/2024	32.31	0.89
TOTAL													111.51	3.07

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: January 16, 2024

Subject: Call a Public Hearing for Petition #R23-06, Beatties Ford Family Entertainment

EXPLAIN REQUEST:

Call a public hearing on Petition #R23-06 Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter, to rezone +/- 2.513 acres located at 9349, 9339, and 9331 Beatties Ford Rd (02305105, 02305106, 02305107) from the Rural District (R) to Highway Commercial Conditional District (HC CD) to allow outdoor recreation and Office use.

ACTION RECOMMENDED:

Call a Public Hearing

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: January 16, 2024

Subject: Call Public Hearing for Installment Financing for New Town Hall

EXPLAIN REQUEST:

Call a public hearing for Monday, February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 to discuss the Town's plan to enter into an installment financing contract in connection with the issuance of limited obligation bonds to pay the capital costs of construction, equipping and furnishing of a new Town Hall and renovation, and improvements to the existing Town Hall building, and to pay the cost related to entering into financing. The amount of the financing is not to exceed \$32 million. The \$32 million is estimated to account for the \$30 million building and related issuance costs including potential bond discount.

ACTION RECOMMENDED:

Call public hearing for February 5, 2024.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: January 16, 2024

Subject: Public Hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC

EXPLAIN REQUEST:

Conduct continuation of public hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +-6.00 acres located at 15105 Holbrooks Rd from Transitional Residential and Neighborhood Residential District to Special Purpose Conditional District.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

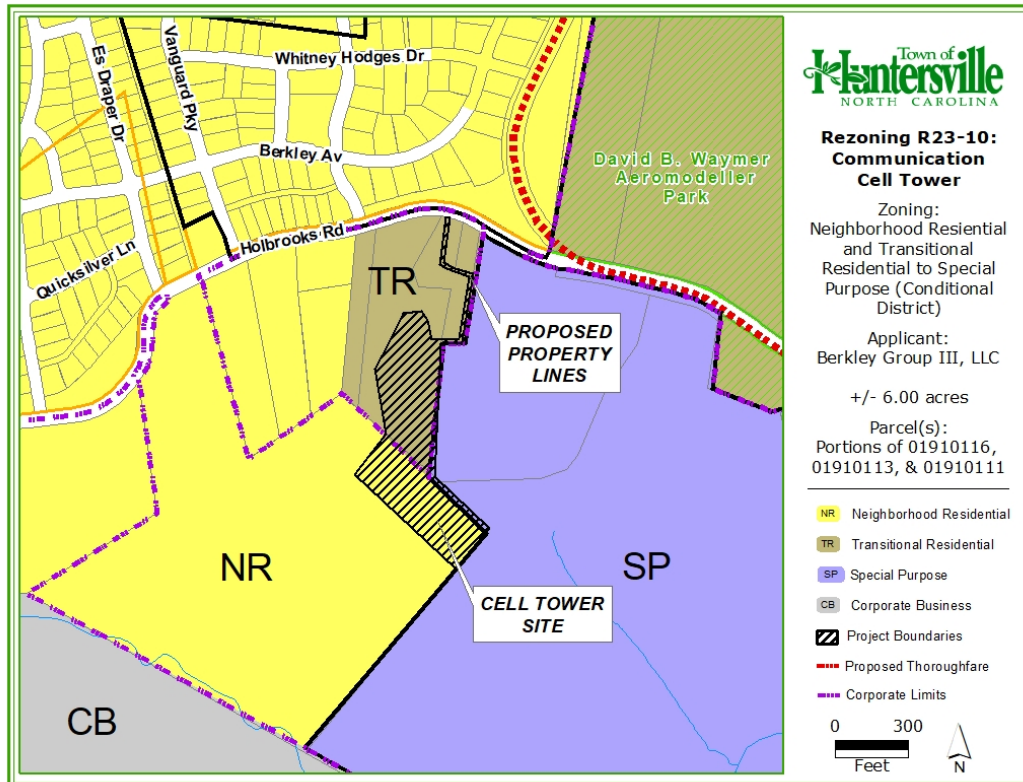
ATTACHMENTS:

1. R23-10 PH Staff Report
2. Attachment A - Application
3. Attachment B - R23-10 Rezoning Plan
4. Attachment C - Neighborhood Meeting Report (October 30, 2023)
5. Attachment D - APO Notification

Petition R23-10

Commercial Communications Tower

PART 1: PROJECT SUMMARY



Applicant: Berkley Group III, LLC

Property Owner: Greenway Recycling at North Meck, LLC

Property Address: 15105 Holbrooks Road

Project Size: (+/-) 6.00 acres

Parcel Numbers: 01910116, 01910113, 01910111

Current Zoning: Neighborhood Residential (NR), Transitional Residential (TR)

Current Land Use: Single Family.

Proposed Zoning: Special Purpose Conditional District (SP-CD)

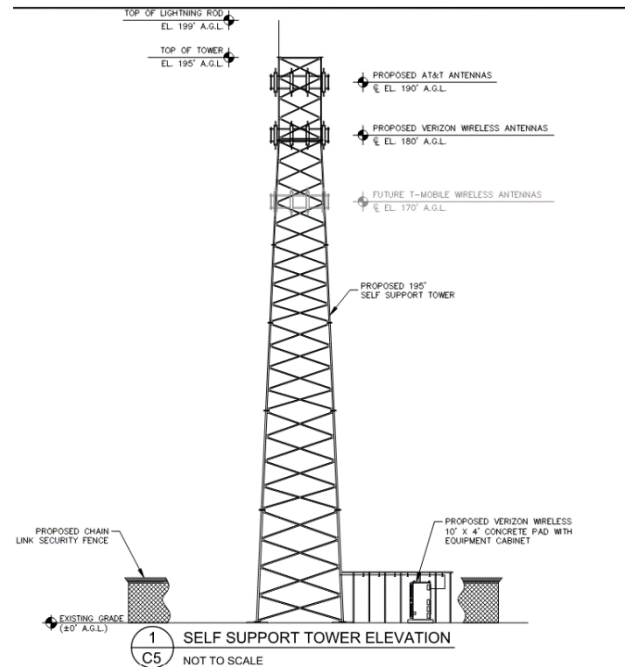
Proposed Land Use: Commercial Communications Tower

- Purpose: Rezone +/- 6.00 acres south of Holbrooks Rd. from Neighborhood Residential and Transitional Residential to Special Purpose Conditional District (HC-CD) for a Commercial Communications Tower.
- Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential Conditional District –Single Family (Vermillion Subdivision).
 - South: Neighborhood Residential and Special Purpose Conditional District – Residential (Vacant) and Landfill (Greenway Waste)
 - East: Special Purpose Conditional District - Landfill (Greenway Waste)
 - West: Neighborhood Residential and Transitional Residential – Residential
- A neighborhood meeting was held on October 30, 2023, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
- Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning sign on the property along Holbrooks Rd.

PART 2: REZONING/SITE PLAN

The applicant has made no modification requests. The Conditional Rezoning Plan can be summarized as follows:

- The applicant plans to subdivide a 6-acre lot from parcel numbers # 01910116, 01910113, and 01910111 pending rezoning approval.
- The new 6-acre lot will narrow to a 15' wide area that will connect north to Holbrooks Road in order to have road frontage and allow the subdivision to occur.
- The site will be accessed via a 15' easement that will run east through the Greenway Waste landfill connecting to Holbrooks Rd.
- The applicant has noted as a condition of approval the permitted uses will be limited to a Commercial Communication Tower and all related accessory uses.
- The tower will be 195' tall, with a lightning pole bringing the total height to 199'.
- The applicants have stated that lighting will not be on the tower as the Federal Aviation Administration (FAA) will not require any.
- Article 9.9.3 requires that the entire facility must be aesthetically compatible with its environment. The tower will be painted grey in order to blend in with its surroundings.
- The communication tower will be located more than 200' from the residential lot line located to the west as required by Article 9.9.10.
- The applicant will not be providing any parking. No parking would be required as no building structure will be located on the property.
- The entire facility will be surrounded by an 8' chain link fence as required by Article 9.9.4. An opaque screen is required to be provided on the outside of any chain link fence. The applicant has provided this screening with a row of Leyland Cypress.
- Minimum Tree Preservation (Specimen Trees) for the Special Purpose District is 30% Specimen Trees. The applicant has identified 125 specimen trees on the site. The applicants have shown that 40 of the 125 specimen trees will be saved, which is two over the required 38 specimen trees.
- The "Existing Disturbed Area" on the existing features plan will not require mitigation as the applicants will be able to conform with tree save requirements.



The Conditional Rezoning Plan has the following unresolved issues:

- Planning, Transportation, and Storm Water Engineering staff have outstanding site plan comments that need to be addressed before final plan approval.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A Town TIA for the proposed project was not required.

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that "in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans

for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

2040 Huntersville Community Plan



STAFF COMMENT – The proposed communication tower is located within the open space and moderate-density future land use areas. While these character areas do not directly support intensive commercial development, Staff views the proposed tower as an essential infrastructure project. The project will only disturb 0.4 acres while preserving the remaining woodlands and open space on the property. The 2040 Huntersville Community Plan DOES SUPPORT this project through the following section:

- **Policy PS-1:** Work with partners to provide and maintain public facilities required to offer residents and property owners with quality municipal services, consistent with progressive government practices and sound fiscal policy.
STAFF COMMENT: The proposed commercial communications tower aims to offer crucial services to the surrounding communities and businesses. Improved cellular service will not just enhance communication for residents but also fill a missing communications coverage area for emergency services (See coverage maps below or Attachment C). Although it's not a municipal service, it's a vital infrastructure service that a private company is providing.
- **Policy LU-1:** Encourage a development pattern that follows the Future Land Use Map.
STAFF COMMENT – The proposed land use does not conflict with the surrounding development pattern as the addition of a communication tower will provide a benefit to existing and future residences and businesses.

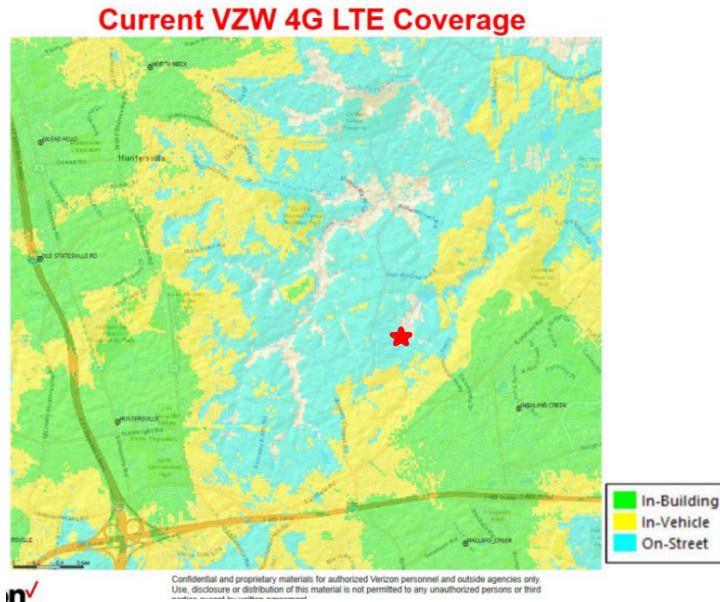


Figure 2 Current Coverage Map

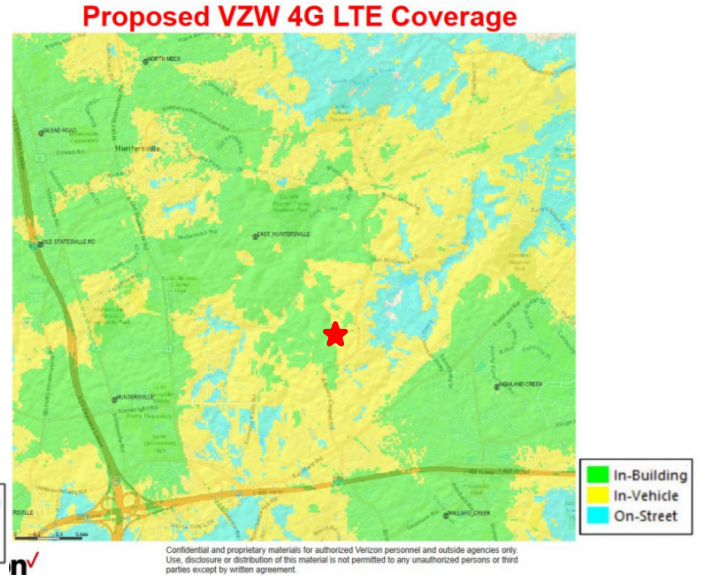


Figure 1 Coverage Map Once Tower is Complete

Holbrooks Road Study: ULI Technical Assistance Program (2017)

The Holbrooks Road Study was conducted to study the potential land uses and economic viability of the defined area. The area is divided by the road into a northern area that is primarily residential and a southern area is primarily corporate business and industrial. One of the recommendations is to “Place commercial product near the property line near the landfill site, creating a natural buffer for the residential”.

STAFF COMMENT – The proposed communication tower location fits in with the area study as it would directly border the landfill while also complying with the required 200’ separation from the adjacent residential property. This would create a natural buffer between the existing landfill and neighboring residential properties.



Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

- 1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT: Planning staff believes the development location on the border of an existing industrial landfill and buffered from nearby residential properties is consistent with the character of the existing development in the area. The use provides an essential service that will benefit all of the surrounding uses in the area.

- 2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

There is no indication this project will have a negative impact on public facilities and or services.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical, or cultural resources.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R23-10, Commercial Communications Tower, Staff recommend approval based on the Plan being consistent with the Huntersville 2040 Community Plan policies PS-1, LU-1, and with the Holbrooks Road Corridor plan.

PART 6: PUBLIC HEARING COMMENTS

On January 2, 2024, the Town Board approved the applicant's requested continuance until January 16, 2024, to address outstanding comments. (Attachment E)

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board is scheduled for January 23, 2024.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for February 19, 2024.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

A – Rezoning Application

B – R23-10 Rezoning Plan

C – Neighborhood Meeting Report (October 30, 2023)

D – APO Notification

E – Continuance Letter

PART 10: CONSISTENCY STATEMENT – R23-10 Commercial Communication Tower

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R23-10, Commercial Communications Tower, Staff recommends approval based on the Plan being consistent with the Huntersville 2040 Community Plan policies PS-1, LU-1, and with the Holbrooks Road Corridor plan.	APPROVAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u> .	APPROVAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u> .

It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan, Holbrook Road Corridor plan, and in keeping with the spirit of the Ordinance and therefore can be supported.	<u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	<u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
DENIAL:	DENIAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☒ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application June 29, 2023

Name of Project Huntersville Center Phase # (if subdivision) _____

Project Address Holbrooks Road, Huntersville, NC

Parcel Identification Number(s) (PIN) p/o 019-10-116, p/o 019-10-113,

Current Zoning District NR Proposed District (for rezoning only) SP (CD)

Property Size (acres) _____ Street Frontage (feet) _____

Current Land Use Vacant & Industrial

Proposed Land Use(s) Communications Cell Tower

Is the project within Huntersville's corporate limits?
Yes p/o No p/o If no, does the applicant intend to voluntarily annex? yes

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

See attached plan.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The Review Process list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility Willingness to Serve letter for the subject property.

6. Applicant

Printed Name BERKLEY GROUP III, LLC Phone _____
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature [Signature] Printed Name: BONNIE D. NEWELL

Title MANAGING PARTNER Email b_newell@bellsouth.net

Address of Applicant 19701 BETHEL CHURCH RD; SUITE 103-213 CORNELIUS NC 28031

7. Property Owner (if different than applicant)

*Printed Name See Consent filed with Town of Huntersville Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____
* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

8. Development/Design Firm Contact Information

BERKLEY GROUP III, LLC BONNIE NEWELL 704 907-7104 b_newell@bellsouth.net
Development Firm Name of Contact Phone Email

KIMLEY HORN KEITH MARILLAND 919 417 4937 keith.mariland@kimley-horn.com
Design Firm Name of Contact Phone Email

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the “Joinder”) is executed this 31st day of August, 2023, by Greenway Recycling at North Meck, LLC a North Carolina limited liability company (“Owner”) in connection with that one certain General Application for a Conditional Rezoning (“Application”), for the Huntersville Center project filed, or to be filed, by Berkley Group III, LLC, a North Carolina limited liability company (“Applicant”) in connection with the property identified as part of Parcel Number 019-10-111 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

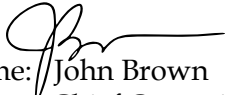
1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

GREENWAY RECYCLING AT NORTH MECK LLC,
a North Carolina limited liability company

By: 
Printed Name: John Brown
Title: Chief Operating Officer
Address: 19109 W. Catawba Ave., Suite 110
Cornelius, NC 28031

Date: 8/31/23

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the “Joinder”) is executed this 31st day of August, 2023, by Greenway Recycling at North Meck, LLC a North Carolina limited liability company (“Owner”) in connection with that one certain General Application for a Conditional Rezoning (“Application”), for the Huntersville Center project filed, or to be filed, by Berkley Group III, LLC, a North Carolina limited liability company (“Applicant”) in connection with the property identified as part of Parcel Number 019-10-113 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

GREENWAY RECYCLING AT NORTH MECK LLC,
a North Carolina limited liability company

By: 
Printed Name: John Brown
Title: Chief Operating Officer
Address: 19109 W. Catawba Ave., Suite 110
Cornelius, NC 28031

Date: 8/31/23

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the “Joinder”) is executed this 31st day of August, 2023, by Greenway Waste Solutions, LLC a North Carolina limited liability company (“Owner”) in connection with that one certain General Application for a Conditional Rezoning (“Application”), for the Huntersville Center project filed, or to be filed, by Berkley Group III, LLC, a North Carolina limited liability company (“Applicant”) in connection with the property identified as part of Parcel Number 019-10-116 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

GREENWAY RECYCLING AT NORTH MECK LLC,
a North Carolina limited liability company

By: 
Printed Name: John Brown
Title: Chief Operating Officer
Address: 19109 W. Catawba Ave., Suite 110
Cornelius, NC 28031

Date: 8/31/23

k:\ral_wireless\berkley_group\CAD\ZD\Rev6_08_24_23\ECor-GB.dwg 12/27/23 3:29 PM By: Robert Giesen

SITE DATA TABLE	
TOTAL ACREAGE:	6.00 AC
TOTAL SQUARE FEET:	261,264 SQ. FT.
PRINCIPAL USE(S) (Z.O ARTICLE 3)	COMMERCIAL COMMUNICATIONS TOWER
BUILDING TYPE (Z.O ARTICLE 3, 4, 8, AND 10)	N/A
ZONING DISTRICT:	SP(CD)
OVERLAY DISTRICT, IF APPLICABLE (ARTICLE 3 Z.O)	N/A
PERCENTAGE OF IMPERVIOUS SHOWN	SOUTH ACCESS W/ COMPOUND: EXISTING – 0 SQ. FT. (0.0%) PROPOSED – 6,700 SQ. FT. (2.6%) TOTAL – 6,700 SQ. FT. (2.6%)
LOT COUNT:	N/A
TOTAL NUMBER OF DWELLINGS (DETACHED/ATTACHED)	N/A
MIXED–USE# OF LIVE/WORK UNITS	N/A
LOT SIZE RANGE	N/A
LOT WIDTHS RANGE (Z.O ARTICLE 3)	N/A
SETBACKS AND BUILD–TO–LINES (Z.O ARTICLE 3, 4, AND 8)	N/A

NORTH ACCESS W/ COMPOUND: EXISTING – 0 SQ. FT. (0.0%) PROPOSED – 23,860 SQ. FT. (9.1%) TOTAL – 23,860 SQ. FT. (9.1%)

BERKLEY GROUP III_{LLC}

19701 BETHEL CHURCH ROAD, SUITE 103-213
CORNELIUS, NC 28031

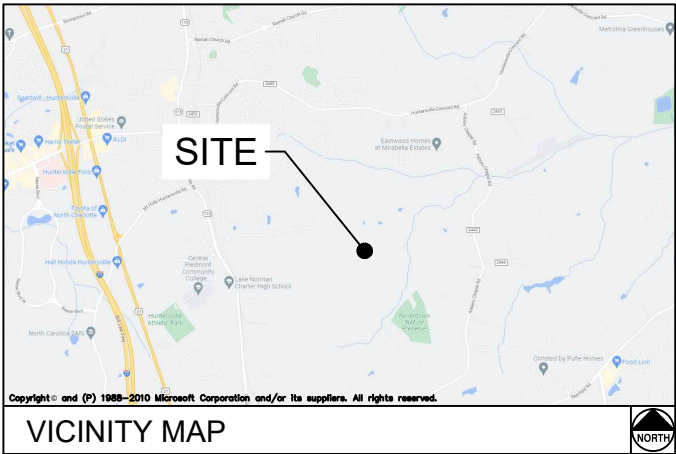
HUNTERSVILLE CENTER

SITE ADDRESS (E-911 TBD)

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY
LATITUDE: 35° 23' 58.60" N
LONGITUDE: 80° 49' 14.00" W
TAX/PIN #: 019-10-116, p/o 019-10-113, & p/o 019-10-111
ZONING: NR,TR

WATERSHED INFORMATION (Z.O ARTICLE 3 AND S.O SECTION 7.920)	
IS THE PROPERTY IN A REGULATED WATERSHED DISTRICT?	NO
WATERSHED DISTRICT:	N/A
LOW DENSITY/HIGH DENSITY	N/A
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA	12%
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS	SOUTH ACCESS W/ COMPOUND: EXISTING – 0 SQ. FT. (0.0%) PROPOSED – 6,700 SQ. FT. (2.6%) TOTAL – 6,700 SQ. FT. (2.6%)
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS BY HOMEOWNER	N/A

NORTH ACCESS W/ COMPOUND: EXISTING – 0 SQ. FT. (0.0%) PROPOSED – 23,860 SQ. FT. (9.1%) TOTAL – 23,860 SQ. FT. (9.1%)



FROM CORNELIUS OFFICE: GET ON I-77 S FROM W CATAWBA AVE 1.0 MI;
FOLLOW I-77 S TO GILEAD RD IN HUNTERSVILLE. TAKE EXIT 23 FROM I-77 S
5.2 MI; DRIVE TO HOLBROOKS RD W 3.0 MI.

DRIVING DIRECTIONS

JURISDICTION:
TOWN OF HUNTERSVILLE

STATE:
NORTH CAROLINA

TOWER TYPE:
SELF SUPPORT

TOWER HEIGHT:
195'

NUMBER OF CARRIERS:
0 EXISTING, 3 PROPOSED

USE:
PROPOSED TELECOMMUNICATIONS TOWER
AND UNMANNED EQUIPMENT

FLOOD INFO
SITE IS LOCATED WITHIN FEMA FLOOD MAP
AREA 3710465000K DATED 11/16/2018 WITHIN
FLOOD ZONE X.

PROJECT SUMMARY

DEVELOPER
BERKLEY GROUP III, LLC
19701 BETHEL CHURCH ROAD, SUITE 103-213
CORNELIUS, NC 28031
PHONE: (704) 907-7104
ATTN: BONNIE NEWELL

POWER COMPANY
ENERGY UNITED
PHONE: (704) 892-0278
ATTN.: CUSTOMER SERVICE

PROPERTY OWNER
GREENWAY WASTE SOLUTIONS, LLC
19109 W CATAWBA AVE STE 200
CORNELIUS, NC 28033
PHONE: (704) 741-7867
ATTN.: CUSTOMER SERVICE

CONSULTANT
KIMLEY-HORN AND ASSOCIATES, INC.
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GEORGIA 30009
PHONE: (770) 545-6105
ATTN.: DAVID FRANKLIN

CONTACTS

SHEET NO.	SHEET TITLE
T1	COVER SHEET
T2	HUNTERSVILLE TELECOMMUNICATIONS TOWER REZONING NOTES
--	TREE SURVEY AND FUTURE ACCESS ROAD (BY OTHERS)
C0	EXISTING CONDITIONS
C1.1	OVERALL SITE PLAN
C1.2	OVERALL SITE PLAN
C2	SITE PLAN
C2.1	CONCEPT GRADING PLAN
C2.2	CONCEPT UTILITY PLAN
C3	FENCE, GATE, AND COMPOUND DETAILS
C4	SITE SIGNAGE DETAILS
C5	ANTENNA AND TOWER ELEVATION DETAILS
L1	LANDSCAPING PLAN & NOTES

SHEET INDEX

HUNTERSVILLE TOWN PLANNING
105 GILEAD RD.
HUNTERSVILLE, NC 28078
PHONE: (704) 875-7000
ATTN.: CUSTOMER SERVICE

PERMIT INFORMATION

BERKLEY GROUP III_{LLC}

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

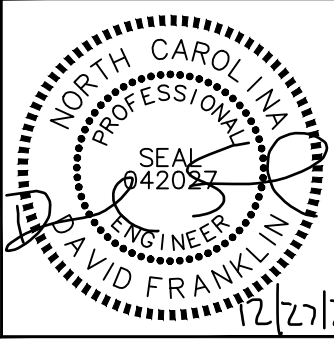
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8	12/27/23	ZONING	DMF
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

SHEET TITLE:

COVER SHEET

SHEET NUMBER:

T1

k:\ra\wireless\berkley_group\CAD\ZD\Rev6_06_24_23\ECor-GB.dwg 12/27/23 3:29 PM by: Robert Giesen

Huntersville Telecommunications Tower Rezoning Notes

1. Rezoning Petition. These rezoning notes comprise the development standards (“Development Standards”) associated with the Special Purpose Conditional District Rezoning Application (the “Rezoning Petition”) filed by the Berkley Group III, LLC (“Petitioner”) as conditional rezoning petition #R23-10 for a 6.00 acre tract of land identified on this site plan (the “Rezoning Plan”) as the Huntersville Center Telecommunications Tower (the “Project”) and other site plan information submitted to the Town of Huntersville on September 1, 2023 (the “Filing Date”), in connection with tax parcel number 01910116, 0191013 and 0191011 the “Property”). The purpose of the rezoning petition is to create a Special Purpose Conditional Zoning District for a Commercial Communication Tower use and other uses allowed in the SP(CD) zoning district. The SP-CD is applicable to the tract of land identified on the Site Plan (“Site”) as SP(CD).

2. Development Standards. Development of the Property will be governed by these development standards, which are part of the Rezoning Petition, and the applicable provisions of the Ordinance in place on the Filing Date. Unless the Rezoning Plan establishes a more stringent standard(s), or unless otherwise noted on the Rezoning Plan or in these Development Standards, the regulations established under the Ordinance in place on the Filing Date govern development of the property as shown on the Rezoning Plan.

3. Schematic Nature of Rezoning Plan. The exact location and configuration of the Commercial Communication Tower and associated equipment may be modified during design, engineering and construction phases of the development so long as the minimum ordinance standards are met, and the Commercial Communication Tower and associated equipment are located within the Site.

4. Ordinance Modifications and Vested Rights. This Rezoning Plan is a site-specific development plan and approval thereof constitutes vested rights in the Rezoning Plan pursuant to the provisions of the Ordinance. Notwithstanding any other provisions of these Development Standards, if, at some point, modifications are made to the Ordinance by the Town Board, Petitioner may voluntarily agree to apply such modifications to the Rezoning Plan in a manner consistent with the Rezoning Plan and the Ordinance as it changes from time to time, and without pursuing a rezoning. Such modifications to the Ordinance shall in no way impact vested rights. Approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years pursuant to N.C. Gen. Stat. §160D-108.1.

5. Permitted Uses. As shown on the Site Plan, the Property may be developed for a Commercial Communication Tower use, and any accessory uses to the Commercial Communication Tower use, subject to the development standards associated with such use. Residential use is not permitted in the 200’ buffer shown on the Rezoning Plan. Any labeling on the Rezoning Plan may be an indication of the current intention on the part of Petitioner but shall not restrict the Property in a manner that conflicts with the provisions of these Development Standards. In the event there is a conflict or inconsistency between these rezoning notes and the Rezoning Plan or application, these rezoning notes shall control.

6. Access. The proposed site access points, driveways and connections to roads are schematic in nature. To the extent permitted by applicable driveway permit requirements, future driveways, access points and road connections may cross the setback and shall not require a rezoning of the Property but shall otherwise comply with applicable driveway permit requirements. Access to the Property shall be as provided in the Rezoning Plan.

7. Buffers Yards/Landscaping. As more particularly depicted on the Rezoning Plan, the site shall include a 200’ buffer around the perimeter of the Tower. All Buffer Yards shall meet the requirements of Section 7.5 of the Ordinance. Grading is allowed in the buffers and any areas of the perimeter buffer and landscaped area that are disturbed shall be replanted according to standards outlined in the Ordinance. Grading and excavation are permitted for stream restoration in the buffers and in the existing landfill that is within the SP (CD).

8. Fencing. As more specifically depicted on the Rezoning Plan, the site will be fenced as required by the Ordinance.

9. Signage. Signage will comply with the requirements of the Ordinance.

10. Lightning. Lightning will comply with the requirements of the Ordinance.

11. Setback. The Communication Tower will be set back a minimum of 200’ from all adjacent residential or mixed-use property lines.

12. Annexation. Petitioner has agreed to submit a sufficient voluntary annexation petition prior to any final plat approvals.



PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

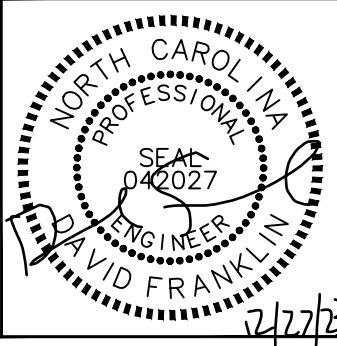
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8	12/27/23	ZONING	DMF
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

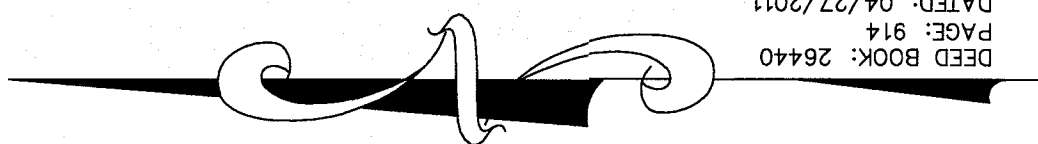
SHEET TITLE:

HUNTERSVILLE
TELECOMMUNICATIONS
TOWER
REZONING NOTES

SHEET NUMBER:

T2

JOEL H. PATTERSON III, PLS
LICENSE NUMBER: L-3717



PARCEL ID: 01910114
GREENWAY WASTE SOLUTIONS, LLC
DB: 30832 Pg: 937

PARCEL ID: 01910114
GREENWAY WASTE SOLUTIONS, LLC
DB: 30832 PG: 937

PARCEL ID: 01910116
GREENWAY WASTE SOLUTIONS, LLC

PARCEL ID: 01910116
GREENWAY WASTE SOLUTIONS, LLC

PARCEL ID: 01910116
GREENWAY WASTE SOLUTIONS, LLC



SPECIMEN TREE DATA			ELEVATION		
TREE NUMBER	DESCRIPTION				
108	12" WHITE OAK	746.27			
109	15" CHEST NUT	748.68			
110	13" RED OAK	746.31			
111	15" WHITE ASH	740.65			
112	12" CEDAR	742.47			
113	12" OAK	738.78			
114	15" WHITE OAK	735.23			
115	15" RED OAK	737.50			
116	16" WHITE OAK	727.95			
117	12" POPLAR	727.58			
118	17" WHITE OAK	730.77			
120	16" RED OAK	743.24			
124	12" RED OAK	755.55			
125	13" POPLAR	747.41			
126	13" POPLAR	746.49			
127	12" RED OAK	743.36			
128	15" RED OAK	752.83			
128	13" RED OAK	752.32			
130	12" WHITE OAK	752.72			
133	13" BEECH	752.30			
134	14" RED OAK	744.70			
135	18" WHITE OAK	739.09			
136	15" RED OAK	747.42			
137	16" BEECH	753.03			
138	12" RED OAK	747.42			
139	12" WHITE OAK	754.03			
140	13" SWEET GUM	752.92			
141	14" WHITE OAK	749.24			
142	14" RED OAK	732.58			
143	15" BEECH	732.97			
144	13" WHITE OAK	732.98			
145	12" RED OAK	740.67			
146	13" SWEET GUM	741.52			
147	17" SWEET GUM	741.78			
148	14" SWEET GUM	739.27			
149	12" SWEET GUM	752.92			
150	12" SWEET GUM	735.01			
151	14" WHITE OAK	758.98			
152	14" RED OAK	758.20			
153	13" RED OAK	756.66			
154	14" RED OAK	755.64			
155	13" RED OAK	752.51			
156	16" SWEET GUM	754.22			
157	14" RED OAK	757.92			

1. ALL DISTANCES SHOWN ARE IN US SURVEY FEET AND DECIMALS THEREOF AND ARE HORIZONTAL.
2. THIS SURVEY IS BASED ON US SURVEY POINTS, DECIMALS, AREA BY COORDINATE METHOD.
3. THIS SURVEY IS BASED ON DEED BOOK 26440 PAGE 914 AS RECORDED AT THE MECKLENBURG COUNTY CLERK'S OFFICE.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY.
5. THE PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAY, EASEMENTS, ENCUMBRANCES, COVENANTS, CONDITIONS, RESTRICTIONS, ETC.
6. THE SUBJECT PARCEL LIES WITHIN A SUBDIVISION PREVIOUSLY TIED TO NC GRID.
7. A. BASIS OF BEARINGS: DEED BOOK: 26440, PAGE: 914 - DATED: 04/27/2011.
B. POINTS MARKED "BOUND" OR "AS LIES" ARE QUANTIFIED BY BEARING AND DISTANCE. POINTS MARKED "TYPED" OR "AS LIES" ARE QUANTIFIED BY BEARING AND DISTANCE. OTHERWISE NOTED.
8. THE LOCATION OF UTILITIES AS SHOWN HEREON, WHETHER PUBLIC OR PRIVATE, ARE BASED ON THE LOCATION OF VISIBLE ABOVE GROUND APPEARANCES ONLY. OTHER UTILITIES WHICH WERE NOT VISIBLE TO THE SURVEYOR ARE SHOWN AS "TYPED" OR "AS LIES". THE SURVEYOR HAS NOT VERIFIED THE LOCATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. FUTURE LAND SURVEYING, E.A. CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR OMISSION OF UTILITIES.
9. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
10. THIS PROPERTY LIES IN FLOOD ZONE "X" AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 37104C004, WITH AN EFFECTIVE DATE OF 11/16/2018.

LEMLEY TOWNSHIP, MECKLENBURG COUNTY, NC

Prepared For:

PATTERSON LAND SURVEYING, P.A.

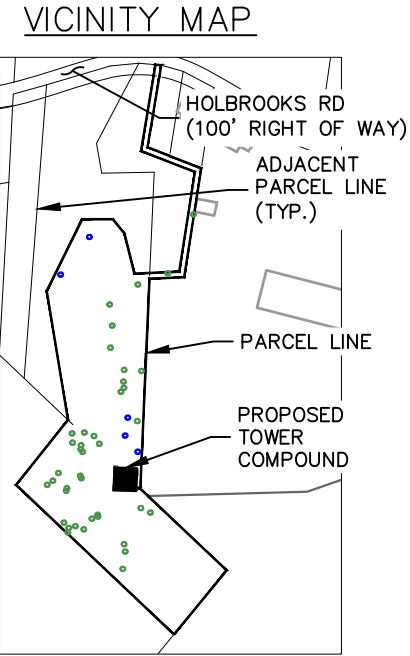
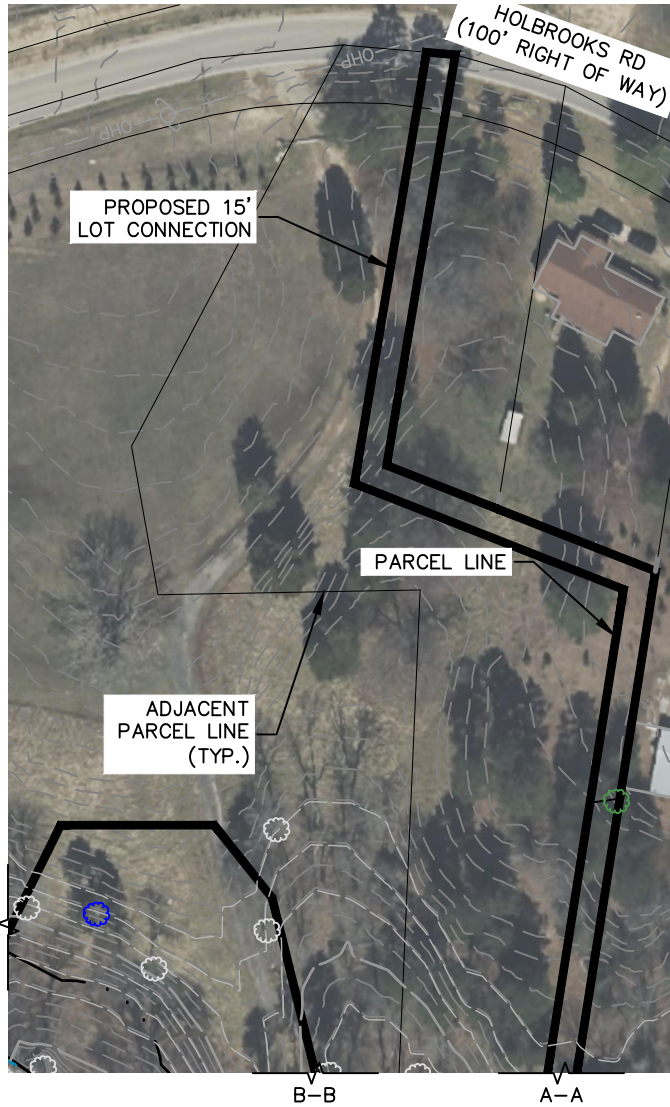
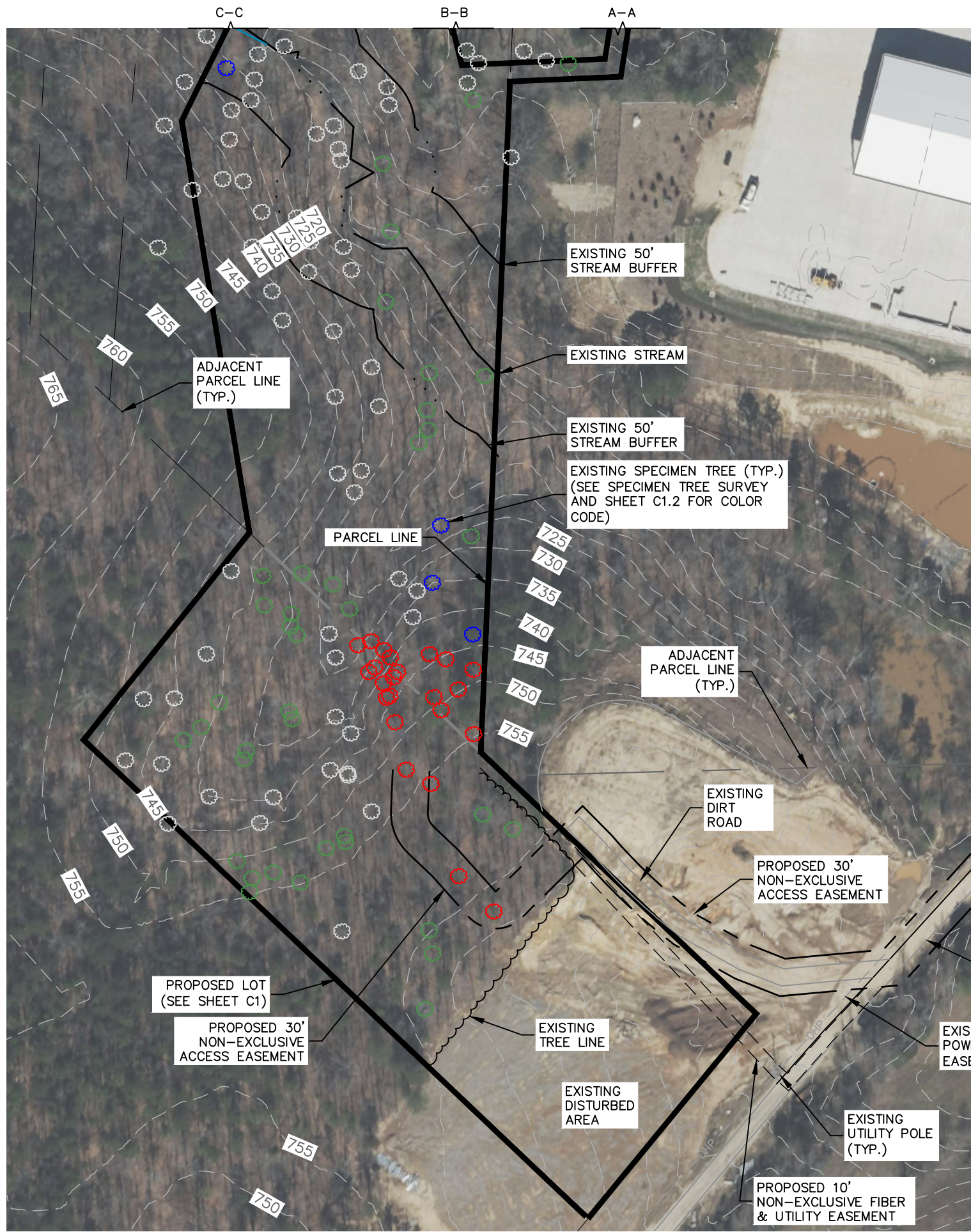
NC LICENSE #: C-3390
P.O. BOX 5010, MOORESVILLE, NC 28117
PHONE: 704-663-0110 EMAIL: pattersonandsurveying@gmail.com

Drawn By: BWB	Checked By: JHP	Scale	Project No.
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tax Parcel: 01910113	1 - 30	Sheet No 25007
Date: December 22 2023		

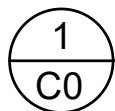
Date: December 22, 2023
 File: 23007 TeasSurvey.docx
 Sheet No. 1 of 1

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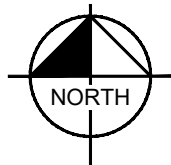
NOTE:

- THE CURRENT SITE DOES NOT CONTAIN THE FOLLOWING:
 - WETLANDS
 - OPEN FIELDS/MEADOWS, SCENIC VIEWS
 - SIGNIFICANT WILDLIFE HABITAT
 - PRIME AGRICULTURAL FARMLAND
 - HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES
 - AQUIFERS OR RECHARGE AREAS
 - CEMETERIES
 - TRAILS
 - TACKS
 - ROADS
- THE EXISTING LAYOUT IS BASED OFF SURVEY PROVIDED BY PATTERSON LAND SURVEYING, P.A. DATED 08/01/23
- KIMLEY-HORN HAS NOT CONDUCTED A SITE VISIT



EXISTING CONDITIONS

SCALE: 1" = 100'



BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

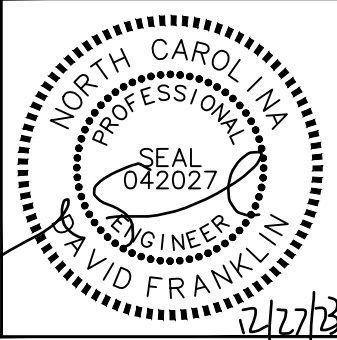
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8	12/27/23	ZONING	DMF
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
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3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY:

CHECKED BY:

WJW

KRM

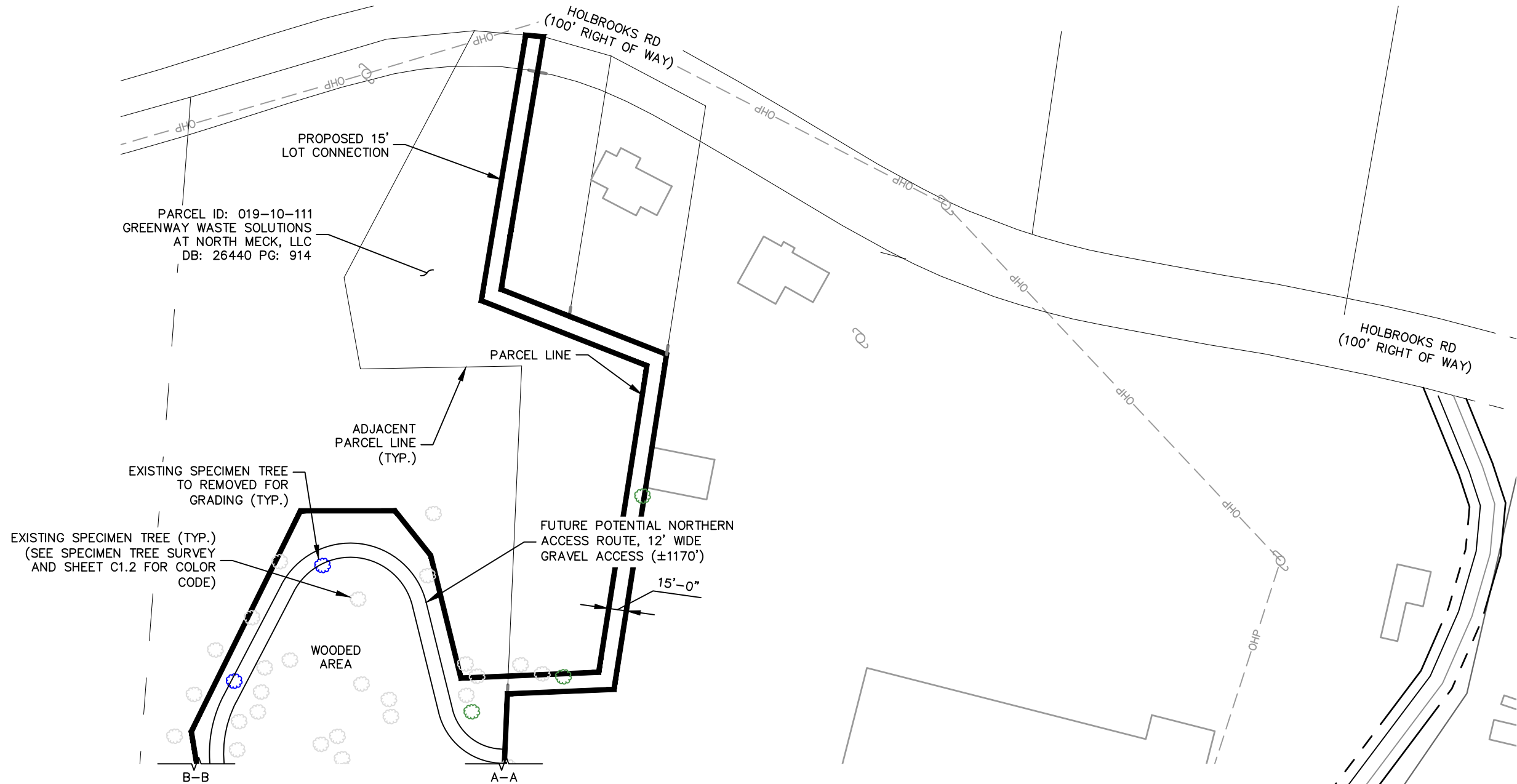
SHEET TITLE:

EXISTING
CONDITIONS

SHEET NUMBER:

C0

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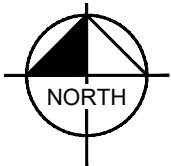
LEGEND

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING ADJACENT PROPERTY LINE
- EXISTING PROPERTY LINE TO BE RELOCATED

SURVEY NOTE:
1. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY PATTERSON LAND SURVEYING, P.A. DATED 08/01/23.
2. KIMLEY-HORN HAS NOT CONDUCTED A SITE VISIT.

1 PROPOSED PROPERTY LINES (LOT)
C1.1 SCALE: 1" = 100'

(SEE SHEET C1.2)



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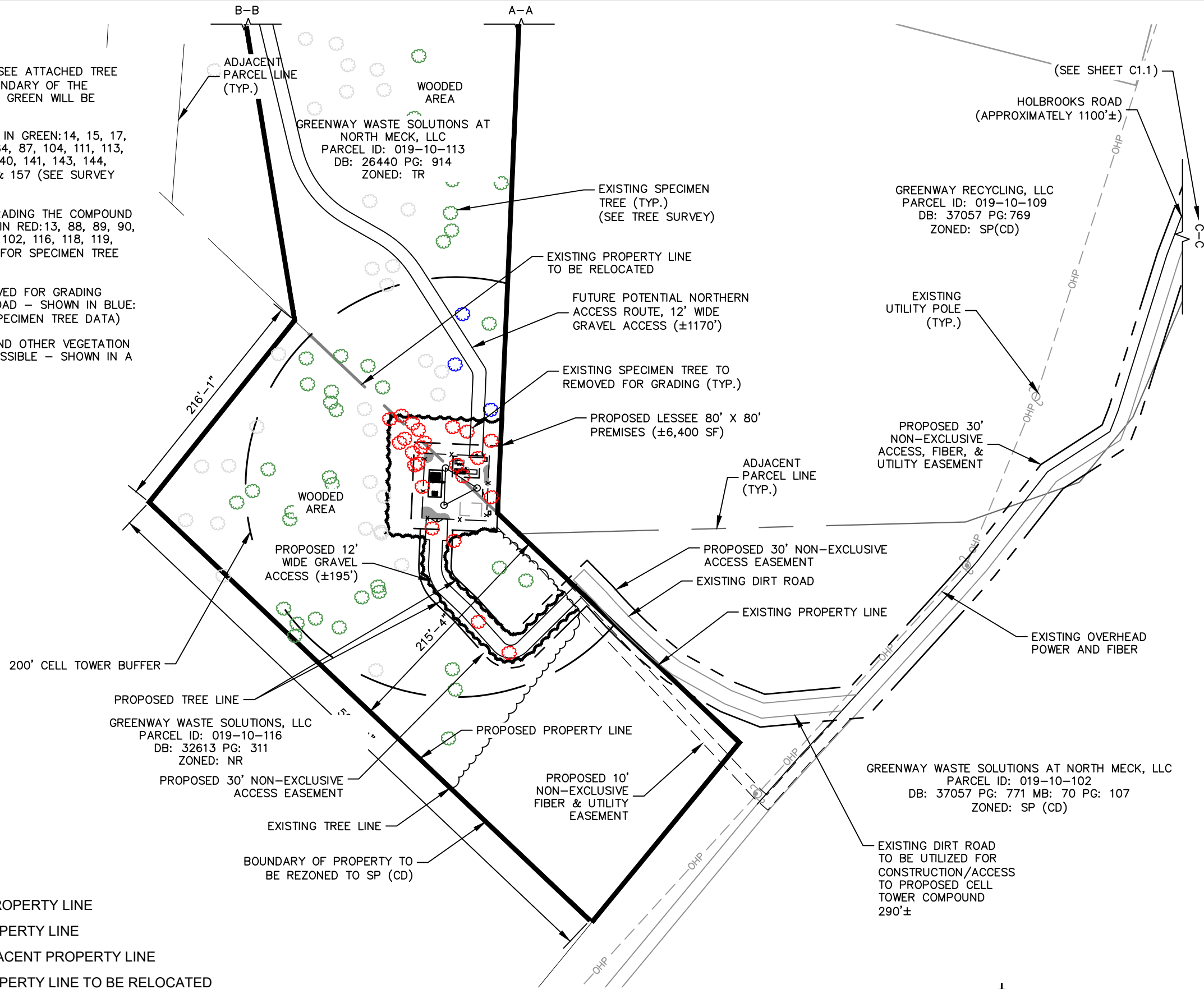


KHA PROJECT NUMBER:
019869008
DRAWN BY: WJW CHECKED BY: KRM

SHEET TITLE:
OVERALL SITE PLAN
SHEET NUMBER:
C1.1

NOTE:

1. 125 SPECIMEN TREES WHERE SURVEYED (SEE ATTACHED TREE SURVEY), 5 TREES ARE OUTSIDE THE BOUNDARY OF THE REZONING. 40 SPECIMEN TREES SHOWN IN GREEN WILL BE SAVED.
2. SPECIMEN TREES TO BE SAVED – SHOWN IN GREEN:14, 15, 17, 18, 19, 21, 24, 25, 33, 37, 49, 68, 81, 84, 87, 104, 111, 113, 114, 115, 129, 130, 133, 137, 138, 139, 140, 141, 143, 144, 145, 146, 149, 150, 151, 152, 155, 156, & 157 (SEE SURVEY FOR SPECIMEN TREE DATA)
3. SPECIMEN TREES TO BE REMOVED FOR GRADING THE COMPOUND AND SOUTHERN ACCESS ROAD – SHOWN IN RED:13, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 116, 118, 119, 120, 124, 136, 153, & 154 (SEE SURVEY FOR SPECIMEN TREE DATA)
4. POTENTIAL SPECIMEN TREES TO BE REMOVED FOR GRADING FUTURE POTENTIAL NORTHERN ACCESS ROAD – SHOWN IN BLUE: 6, 11, 34, 61, & 74 (SEE SURVEY FOR SPECIMEN TREE DATA)
5. ALL REMAINING EXISTING ONSITE TREES AND OTHER VEGETATION SHALL BE PRESERVED TO THE EXTENT POSSIBLE – SHOWN IN A LIGHT GREY OR NOTED AS WOODED AREA.



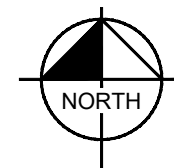
LEGEND

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING ADJACENT PROPERTY LINE
- EXISTING PROPERTY LINE TO BE RELOCATED

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2. KIMLEY-HORN HAS NOT CONDUCTED A SITE VISIT.

1 PROPOSED PROPERTY LINES (LOT)
C1.2 SCALE: 1" = 100'



BERKLEY GROUP III LLC

PROJECT INFORMATION:

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HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

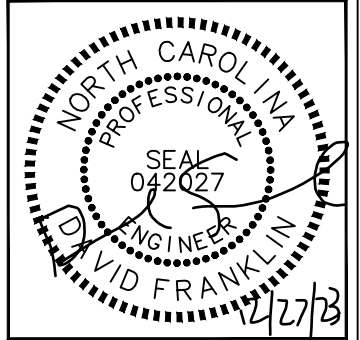
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LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW KRM

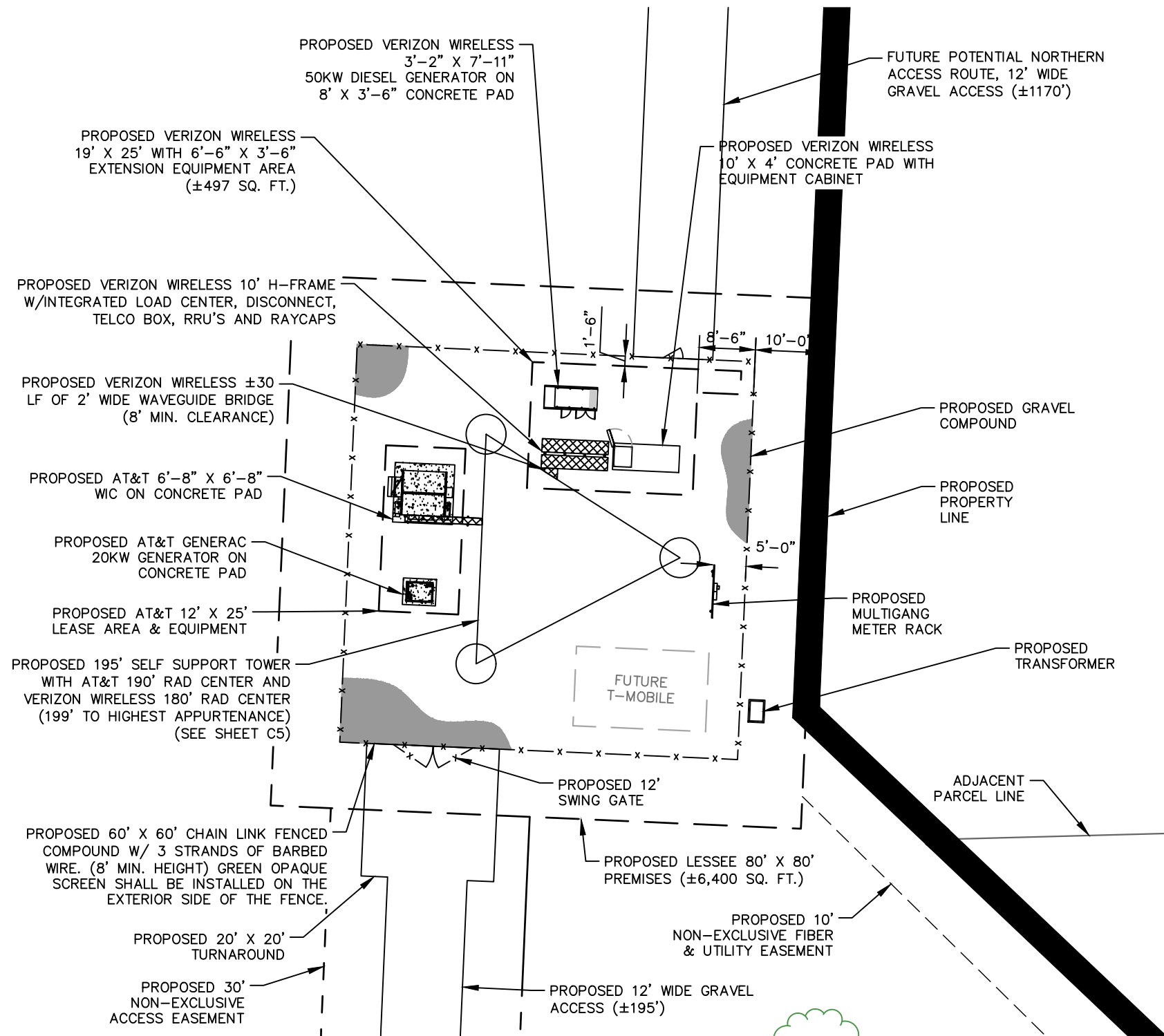
SHEET TITLE:

OVERALL SITE
PLAN

SHEET NUMBER:

C1.2

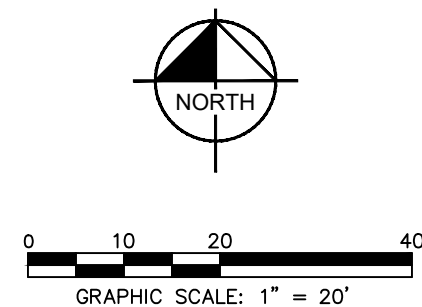
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1 SITE PLAN
C2 SCALE: 1" = 20'

SITE DATA TABLE	
TOTAL ACREAGE:	6.00 AC
TOTAL SQUARE FEET:	261,264 SQ. FT.
PRINCIPAL USE(S) (Z.O ARTICLE 3)	COMMERCIAL COMMUNICATIONS TOWER
BUILDING TYPE (Z.O ARTICLE 3, 4, 8, AND 10)	N/A
ZONING DISTRICT:	SP(CD)
OVERLAY DISTRICT, IF APPLICABLE (ARTICLE 3 Z.O)	N/A
PERCENTAGE OF IMPERVIOUS SHOWN	EXISTING - 0 SQ. FT. (0.0%) PROPOSED - 6,700 SQ. FT. (2.6%) TOTAL - 6,700 SQ. FT. (2.6%)
LOT COUNT:	N/A
TOTAL NUMBER OF DWELLINGS (DETACHED/ATTACHED)	N/A
MIXED-USE# OF LIVE/WORK UNITS	N/A
LOT SIZE RANGE	N/A
LOT WIDTHS RANGE (Z.O ARTICLE 3)	N/A
SETBACKS AND BUILD-TO-LINES (Z.O ARTICLE 3, 4, AND 8)	N/A

NORTH ACCESS W/ COMPOUND: EXISTING - 0 SQ. FT. (0.0%) PROPOSED - 23,860 SQ. FT. (9.1%) TOTAL - 23,860 SQ. FT. (9.1%)



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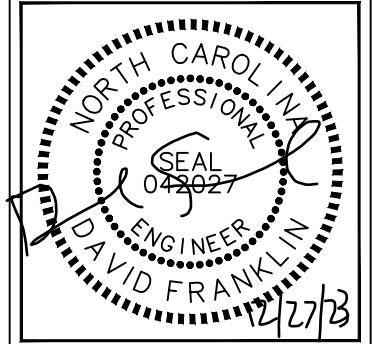
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
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LICENSER:



KHA PROJECT NUMBER:

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DRAWN BY: CHECKED BY:

WJW

KRM

SHEET TITLE:

SITE PLAN

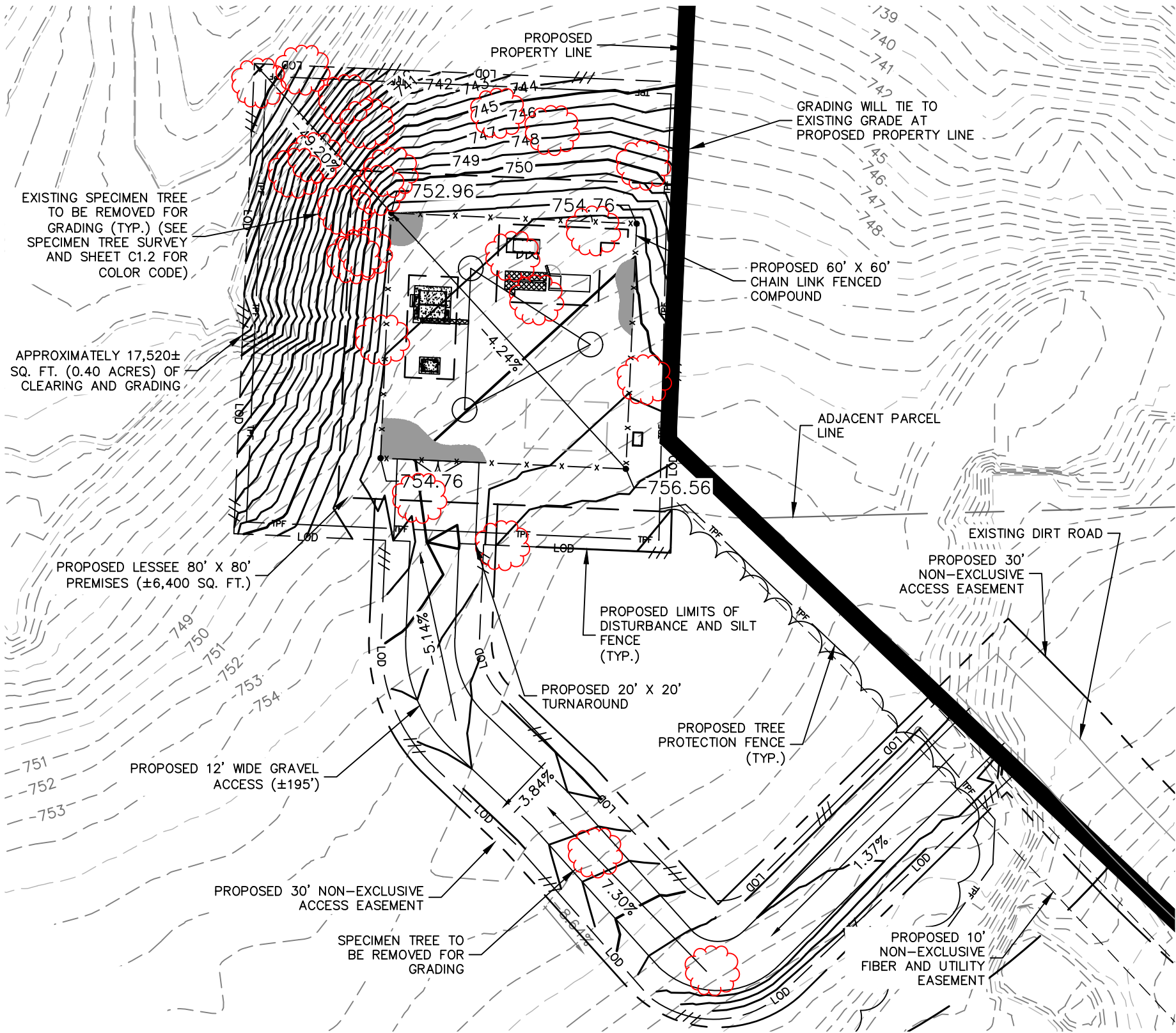
SHEET NUMBER:

C2

NOTE:
CURRENT DESIGN ANTICIPATES
APPROXIMATELY 17,520± SQ. FT. (0.40
ACRES) OF CLEARING AND GRADING FOR
THE PROPOSED PROJECT. IF ADDITIONAL
CLEARING IS REQUIRED BEYOND WHAT IS
SHOWN IN THE PLANS THE CONTRACTOR
SHALL NOTIFY THE ENGINEER AND/OR
PROJECT MANAGER. IF DURING THE BID
WALK OR CONSTRUCTION IT IS
DETERMINED THAT MORE THAN (1) ACRE
OF LAND IS TO BE DISTURBED FOR
CONSTRUCTION AN EROSION AND
SEDIMENTATION CONTROL PLAN MUST BE
FILED 30 DAYS PRIOR TO
CONSTRUCTION.

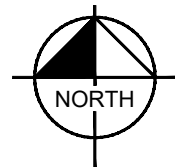
LEGEND

EXISTING CONTOURS ———
PROPOSED CONTOURS ———
LOD/SILT FENCE ——— LOD ———
TPF ——— TPF ——— TPF ———
EXISTING SPOT ELEVATION x XXX
PROPOSED SPOT ELEVATION ● XXX



NOTE:
FUTURE POTENTIAL NORTHERN ACCESS
ROAD NOT SHOWN FOR CLAIRITY.

1 GRADING PLAN
C2.1 SCALE: 1" = 30'



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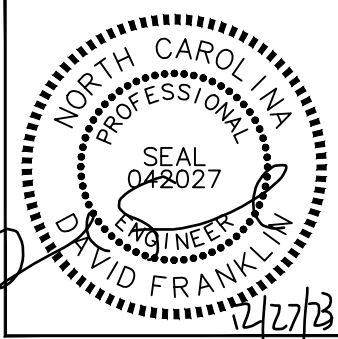
Kimley»Horn

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ALPHARETTA, GA 30009
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LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW KRM

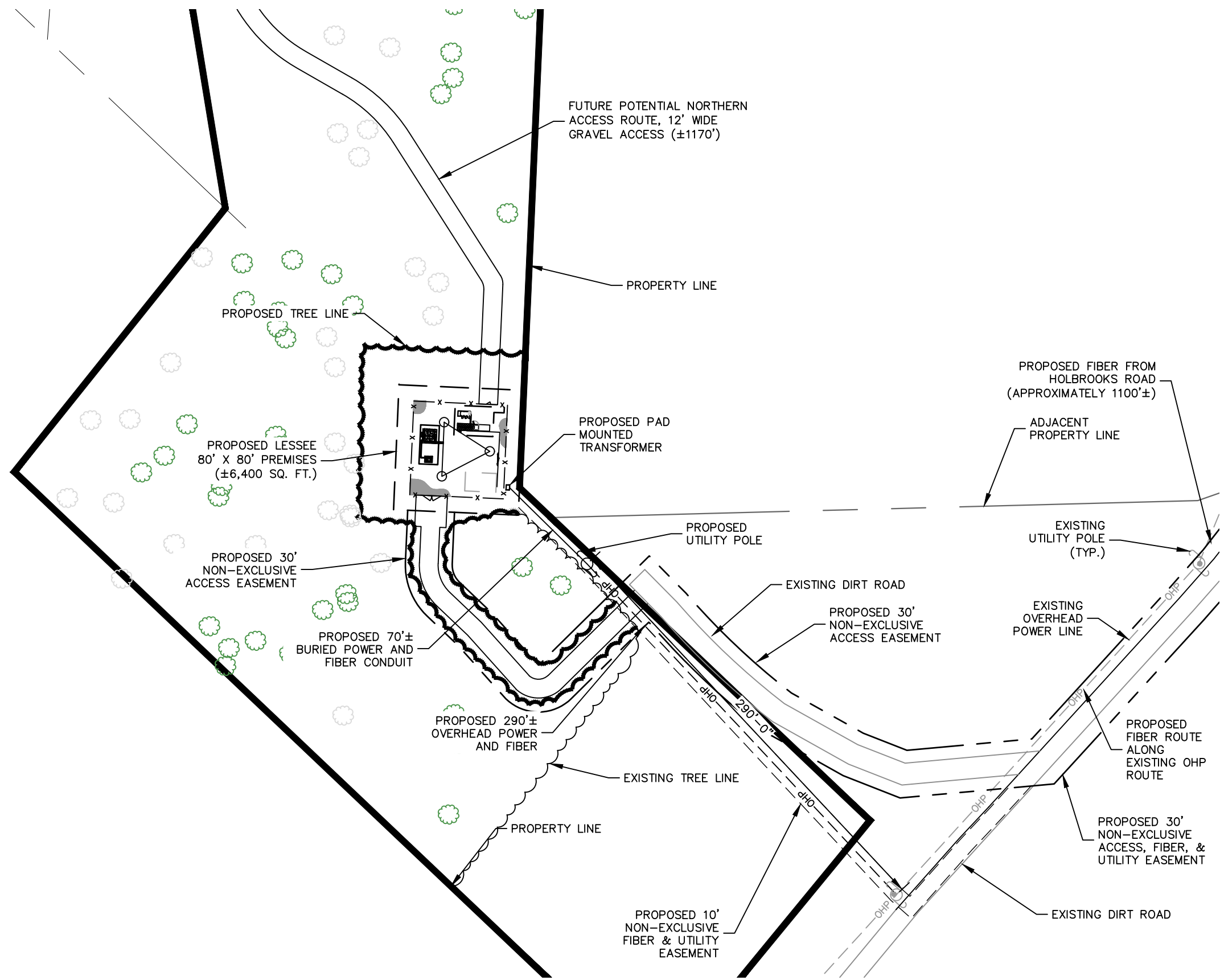
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CONCEPT
GRADING PLAN

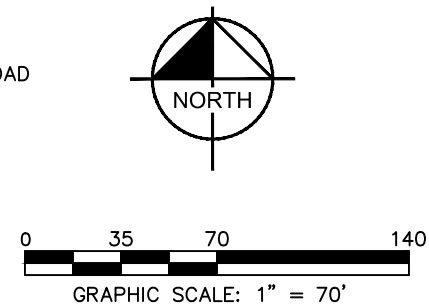
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C2.1

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1 UTILITY PLAN
C2.2 SCALE: 1" = 70'



BERKLEY GROUP III LLC

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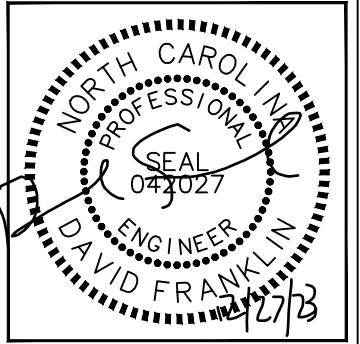
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LICENSER:



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DRAWN BY: CHECKED BY:

WJW KRM

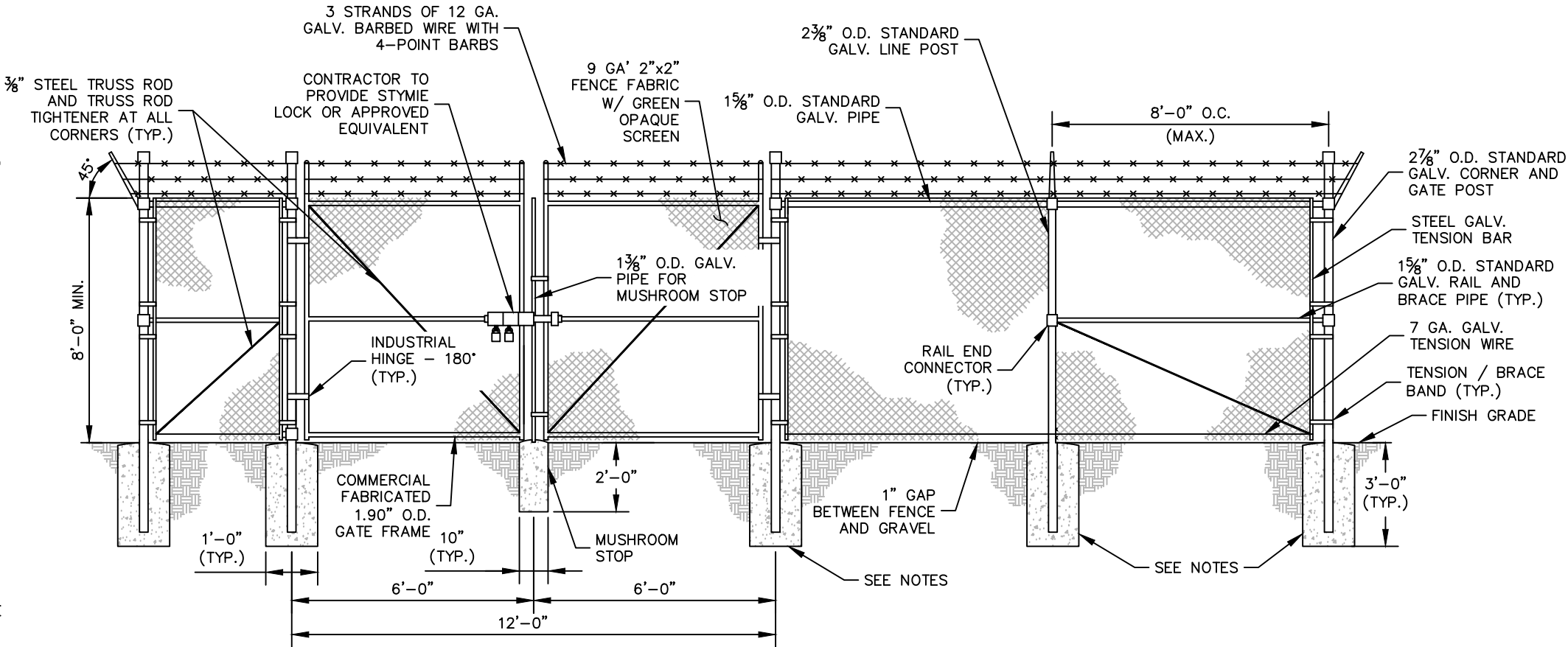
SHEET TITLE:

CONCEPT UTILITY
PLAN

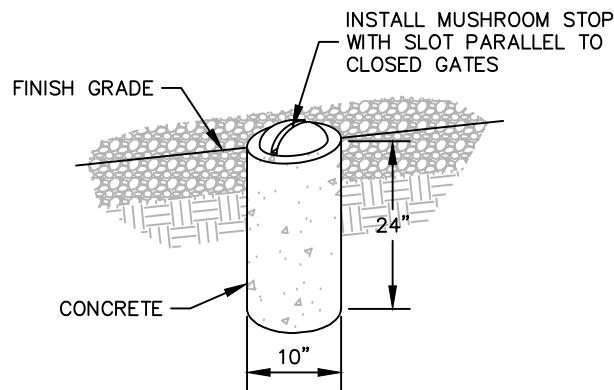
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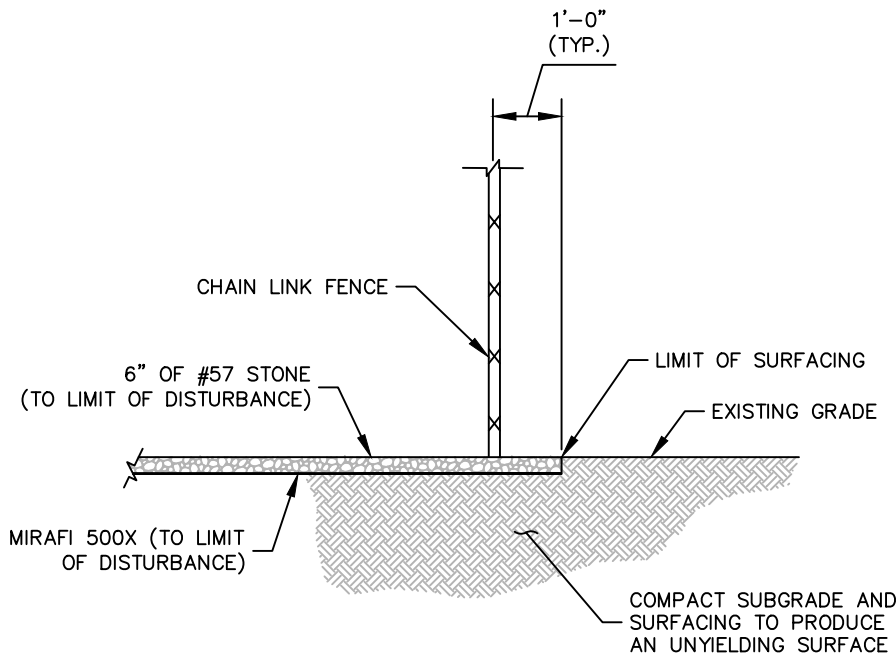
- FENCE NOTES:
1. USE 3,000-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
 2. WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. SET THE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
 3. ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
 4. CORNERS AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
 5. PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
 6. THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 1" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
 7. CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS, DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.
 8. CONTRACTOR SHALL ALSO PROVIDE A MUSHROOM TYPE RECEIVER AT THE CLOSE POSITION.



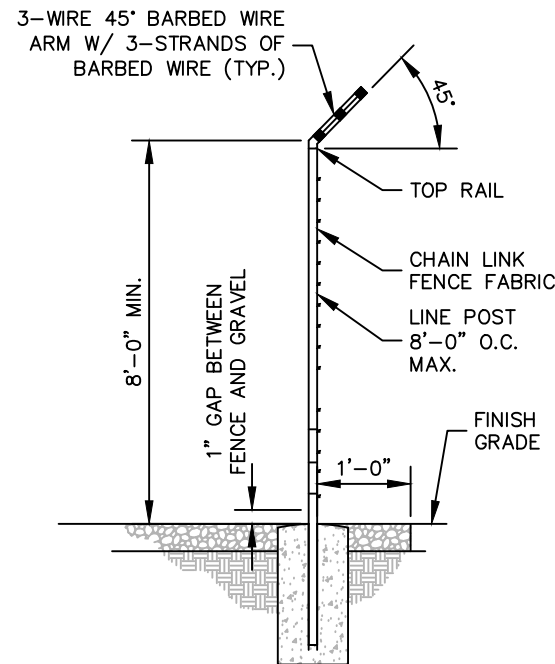
1 CHAIN LINK FENCE AND GATE ELEVATION
C3 NOT TO SCALE



2 MUSHROOM STOP
C3 NOT TO SCALE



3 SITE COMPOUND SURFACE DETAIL
C3 NOT TO SCALE



4 SECTION AT FENCE
C3 NOT TO SCALE

BERKLEY GROUP III LLC

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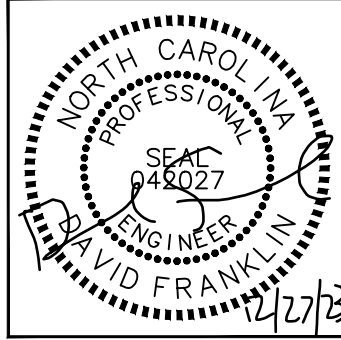
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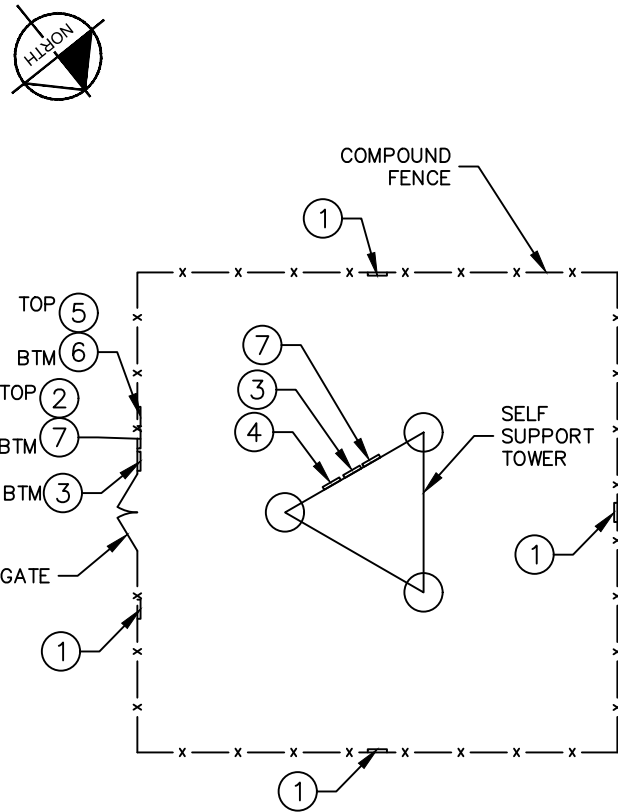
SHEET TITLE:

FENCE, GATE, AND
COMPOUND
DETAILS

SHEET NUMBER:

C3

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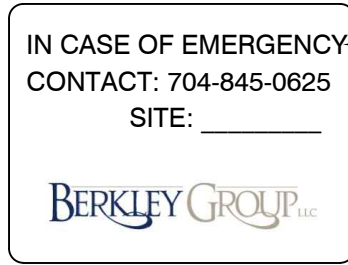
NOTE: SEE TYPICAL SIGNS AND SPECIFICATIONS
DETAIL ON THIS SHEET FOR SIGN DESIGNATIONS.

1
C4 SIGN PLACEMENT PLAN VIEW
NOT TO SCALE



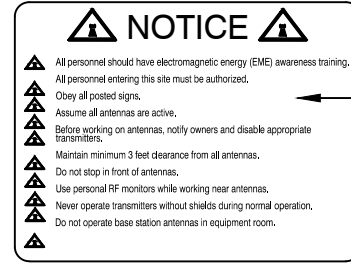
WHITE BACKGROUND w/
RED LETTERING

① NO-TRESPASSING SIGN
18" HIGH X 24" WIDE
(OPERATIONS PROVIDED)



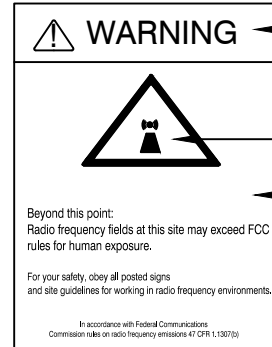
WHITE BACKGROUND w/
BLACK LETTERING

② SITE ID SIGN
18" HIGH X 24" WIDE
(OPERATIONS PROVIDED)



YELLOW BACKGROUND w/
BLACK LETTERING

③ NOTICE-RFE SIGN
12" HIGH X 18" WIDE
(OPERATIONS PROVIDED)



RED BACKGROUND w/
BLACK LETTERING

RED BACKGROUND w/
BLACK LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

④ WARNING-RF SIGN (RED)
12" WIDE X 18" HIGH

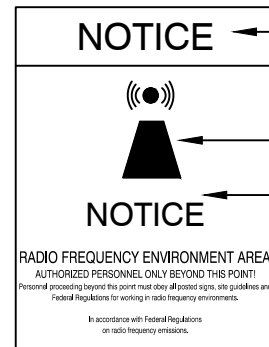


YELLOW BACKGROUND w/
BLACK LETTERING

YELLOW BACKGROUND w/
BLACK LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

⑤ CAUTION-RF SIGN (YELLOW)
12" WIDE X 18" HIGH



BLUE BACKGROUND w/
WHITE LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

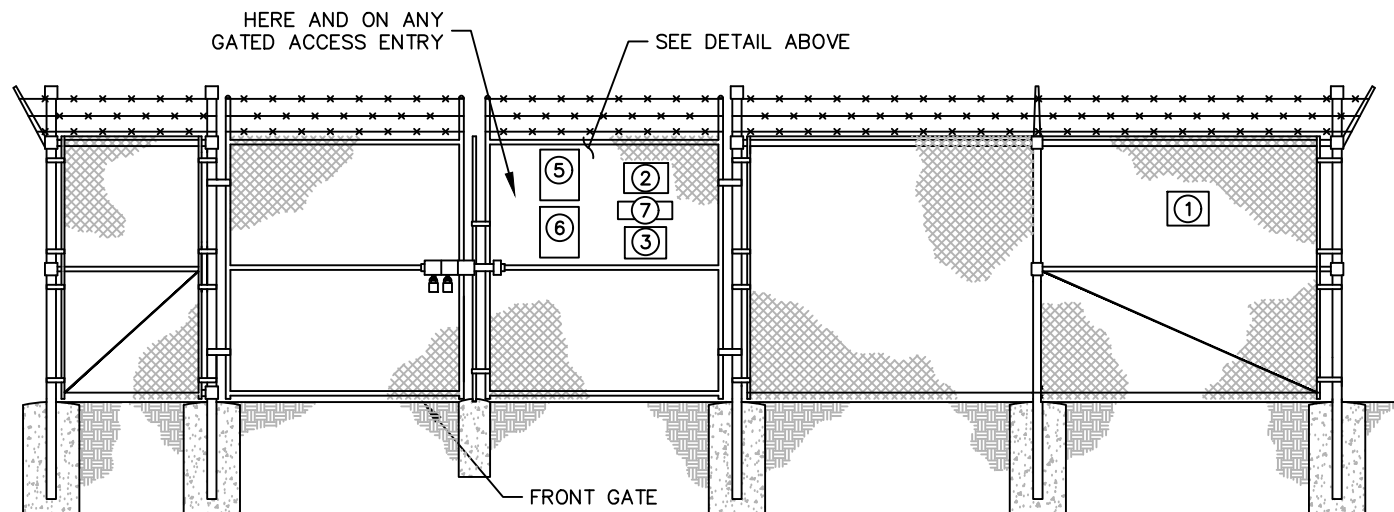
⑥ NOTICE-RF SIGN (BLUE)
12" WIDE X 18" HIGH



WHITE W/BLACK LETTERING

⑦ FCC REGISTRATION SIGN
20" WIDE X 4" HIGH

2
C4 TYPICAL SIGNS AND SPECIFICATIONS
NOT TO SCALE



3
C4 SIGN PLACEMENT FRONT GATE VIEW
NOT TO SCALE

SIGNAGE NOTES:

1. SIGNS SHALL BE FABRICATED FROM CORROSION RESISTANT PRESSED METAL, AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS.
2. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE, AND FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS) OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.

BERKLEY GROUP III LLC

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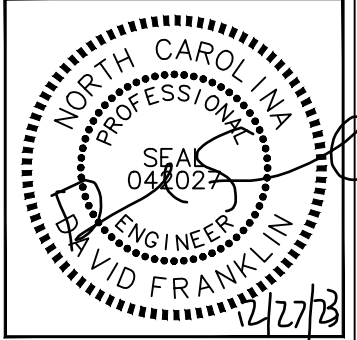
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LICENSER:



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DRAWN BY: CHECKED BY:

WJW

KRM

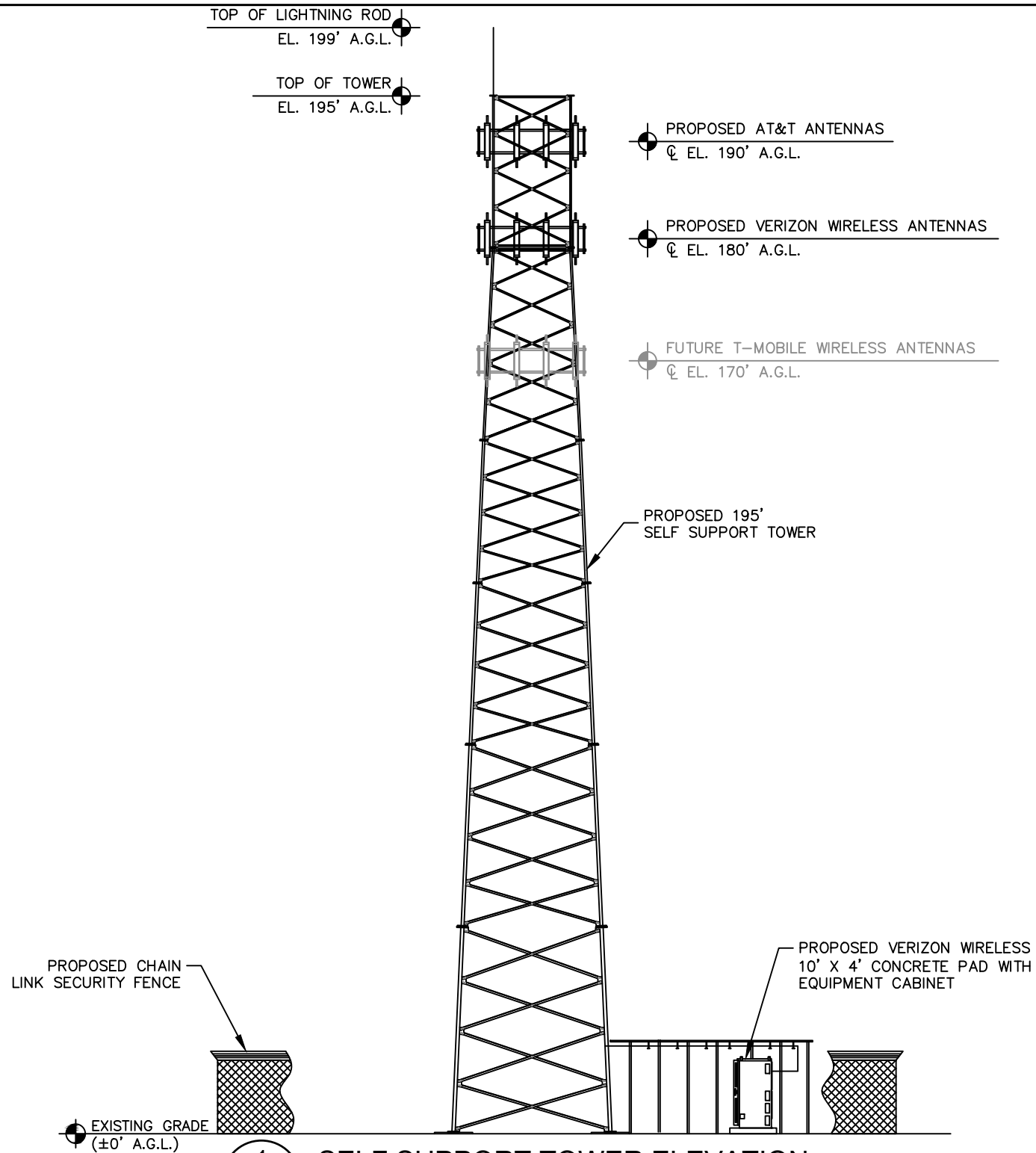
SHEET TITLE:

**SITE SIGNAGE
DETAILS**

SHEET NUMBER:

C4

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1
C5 **SELF SUPPORT TOWER ELEVATION**
NOT TO SCALE

NOTES:

1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS.
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY. TOWER DOES NOT REQUIRE LIGHTING.
3. COAX/FIBER CABLE LENGTHS ARE APPROXIMATE. CONTRACTOR TO VERIFY CORRECT LENGTH IN FIELD AT TIME OF CONSTRUCTION.
4. PROPOSED TOWER WILL BE GALVANIZED STEEL-GRAY IN COLOR.
5. AT&T GROUND EQUIPMENT NOT SHOWN FOR CLARITY.

BERKLEY GROUP III LLC

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15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8	12/27/23	ZONING	DMF
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:

KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

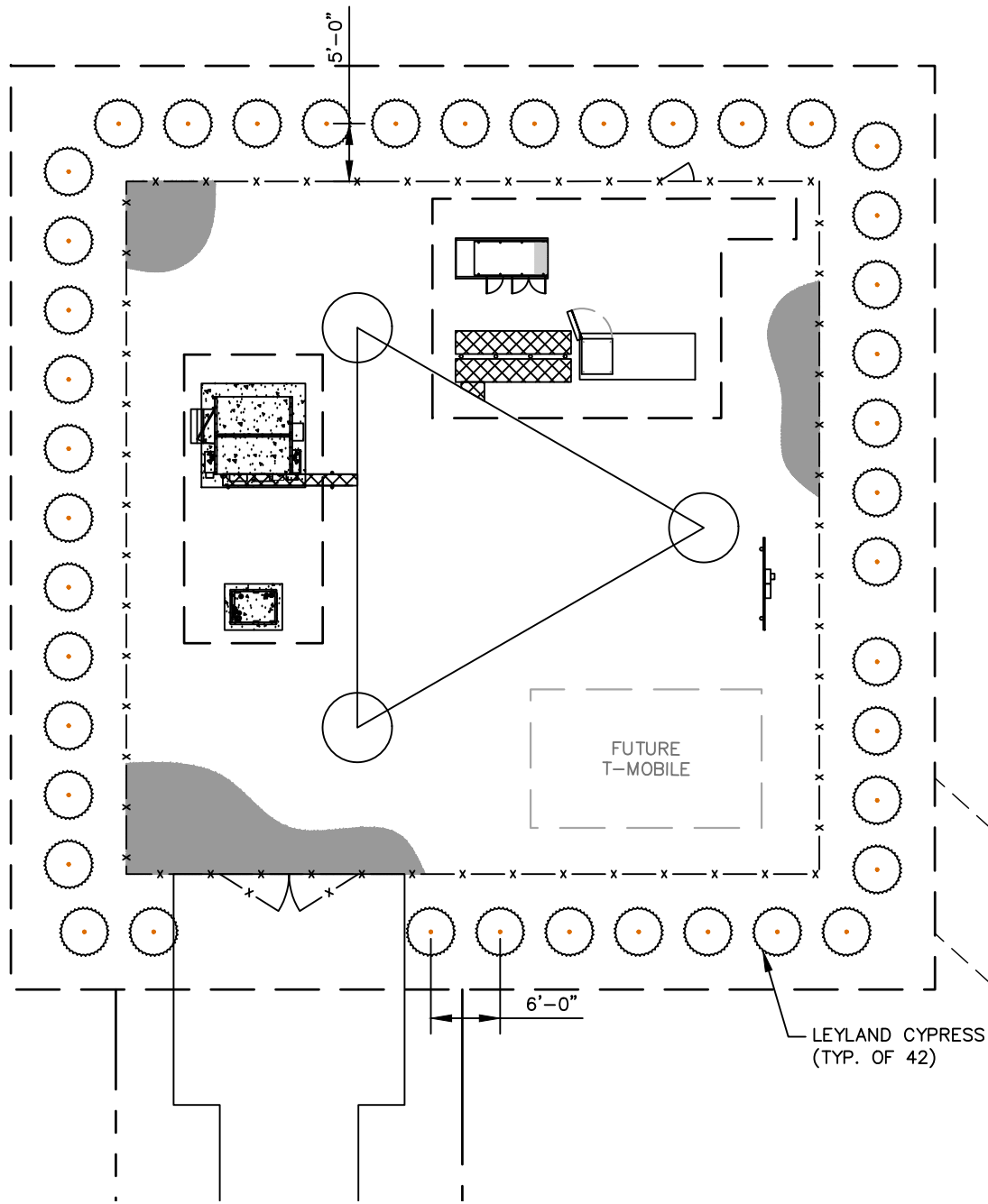
SHEET TITLE:

**ANTENNA AND
TOWER ELEVATION
DETAILS**

SHEET NUMBER:

C5

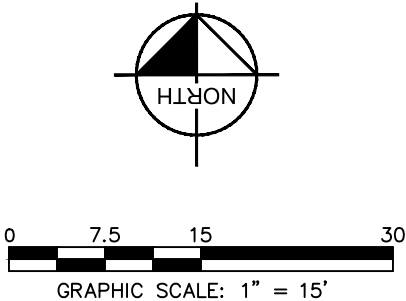
k:\ra\wireless\berkley_group\CAD\ZD\Rev6_08_24_23\ECor-GB.dwg 12/27/23 3:32 PM by: Robert Giesen



1 LANDSCAPING PLAN
L1 SCALE: 1" = 15'

GENERAL LANDSCAPE NOTES:

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF HIS WORK WITH THAT OF ALL OTHER CONTRACTORS. THIS PLAN DOES NOT GUARANTEE THE EXISTENCE OR NON-EXISTENCE OF ANY UTILITIES. PRIOR TO COMMENCEMENT OF ANY WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL ABOVE GROUND AND UNDERGROUND UTILITIES.
2. THE QUALITY AND SIZE OF ALL PLANT MATERIAL SHALL CONFORM TO THE MOST CURRENT STANDARDS AS SET FORTH IN ANSI Z60.180 - AMERICAN STANDARD FOR NURSERY STOCK.
3. ALL DISTURBED AREAS NOT COVERED BY HARDSCAPE OR PLANT MATERIALS SHALL BE COVERED WITH SEED AND STRAW.
4. PLANT SUBSTITUTION MAY BE PERMITTED ONLY AFTER PROOF THAT SPECIFIED PLANTS ARE UNAVAILABLE AND THE REQUEST HAS BEEN SUBMITTED TO THE OWNER OR LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL PROVIDE THE NEAREST EQUIVALENT OBTAINABLE SIZE AND VARIETY OF THE PLANT HAVING THE SAME ESSENTIAL CHARACTERISTICS AS THE PLANT SPECIFIED
5. MINOR PLANT LOCATION ADJUSTMENTS MAY BE MADE IN THE FIELD TO ENSURE ACCESS TO UTILITY JUNCTION BOXES, FREE SITE LIGHTING OF FUTURE TREE CANOPY INTERFERENCE AND ALLOW UNINHIBITED PEDESTRIAN / VEHICULAR CIRCULATION ON ALL PAVEMENTS OR FOUNDATIONS.
6. ALL SHRUB MASSES OF TWO OR MORE SHALL BE EDGED INTO A PLANTING BED AND MULCHED PER DETAIL. ALL INDIVIDUAL TREES AND SHRUBS SHALL HAVE A MULCH SAUCER EQUAL IN DIAMETER TO THE PLANTING PIT DIAMETER AND SHALL BE MULCHED AS SHOWN ON THE DETAILS. UNLESS OTHERWISE INDICATED, ALL BED EDGES SHALL BE A DEEP CUT CLEAN SPADE EDGE.
7. THE CONTRACTOR SHALL VERIFY THAT EACH TREE OR SHRUB PIT WILL DRAIN BEFORE INSTALLING PLANT MATERIAL. HE SHALL FILL THE HOLE WITH SIX INCHES (6") OF WATER THAT SHOULD PERCOLATE OUT WITHIN TWENTY-FOUR HOURS. SHOULD ANY AREA NOT DRAIN PROPERLY, A PERFORATED DRAIN LINE SHALL BE INSTALLED, OR THE PLANTS RELOCATED.
8. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY IF HE ENCOUNTERS ANY UNSUITABLE SURFACE OR SUBSURFACE DRAINAGE CONDITIONS, SOIL DEPTH, LATENT SOILS, HARD PAN, UTILITY LINES, OR OTHER CONDITIONS THAT WILL JEOPARDIZE THE HEALTH AND VIGOR OF THE PLANTS. SHOULD THE CONTRACTOR NOT NOTIFY THE OWNER OF A PROBLEM AREA, HE WARRANTS THAT THE AREAS ARE SUITABLE FOR PROPER GROWTH AND DEVELOPMENT OF ALL PLANTS INSTALLED.
9. THE CONTRACTOR SHOULD VERIFY LANDSCAPING/TREE PLANTING LOCATIONS WITH THE PUBLIC UTILITIES DEPARTMENT TO AVOID CONFLICTS WITH WATER, SEWER, AND GAS LINES.
10. PLANTS SHALL BE SO TRAINED IN DEVELOPMENT AND APPEARANCE AS TO BE UNQUESTIONABLE SUPERIOR IN FORM, COMPACTNESS AND SYMMETRY. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF, AND FREE OF DISEASE AND INSECT ADULT EGGS, PUPAE OR LARVAE. THEY SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS AND SHALL BE FREE FROM PHYSICAL DAMAGE OR OTHER CONDITIONS THAT WOULD PREVENT THRIVING GROWTH.
11. THERE SHALL BE NO CIRCLING OR GIRDLING ROOTS. CIRCLING ROOTS SHOULD BE CUT IN AT LEAST ONE PLACE.
12. THERE SHOULD BE ONE DOMINANT LEADER TO THE TOP OF THE TREE WITH THE LARGEST BRANCHES SPACED AT LEAST 6 INCHES APART. THERE CAN BE TWO LEADERS IN THE TOP 10% OF THE TREE IF IT IS OTHERWISE OF GOOD QUALITY.
13. THE TREE CANOPY SHOULD BE SYMMETRICAL AND FREE OF LARGE VOIDS. CLEAR TRUNK SHOULD BE NO MORE THAN 40% OF TREE HEIGHT UNLESS OTHERWISE SPECIFIED IN THE PLANTING SPECIFICATIONS. CLEAR TRUNK SHALL BE OF SUFFICIENT HEIGHT TO CLEAR SURROUNDING USES THAT MAY BE IMPACTED BY THE FUTURE GROWTH OF THE TREE.
14. OPEN TRUNK AND BRANCH WOUNDS SHALL BE LESS THAN 10% OF THE CIRCUMFERENCE AT THE WOUND AND NO MORE THAN 2 INCHES TALL. PROPERLY MADE PRUNING CUTS ARE NOT CONSIDERED OPEN TRUNK WOUNDS. THERE SHOULD BE NO CONKS OR BLEEDING, AND THERE SHOULD BE NO SIGNS OF INSECTS OR DISEASE ON MORE THAN 5% OF THE TREE.
15. IF ANY OF THE ABOVE CONDITIONS ARE NOT MET, TREES MAY BE REJECTED.
16. TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING, OR GRADING OF THE SITE BY THE LOCAL ARBORIST.



PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

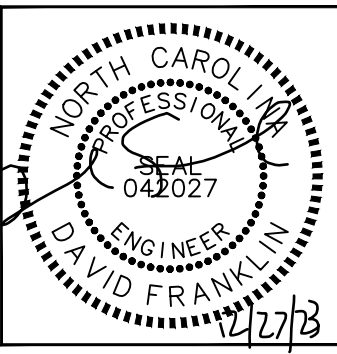
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DRAWN BY: CHECKED BY:

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SHEET TITLE:

LANDSCAPING
PLAN & NOTES

SHEET NUMBER:

L1

Huntersville Center Telecommunications Tower

Community Meeting Report

Location: Huntersville Arts and Cultural Center

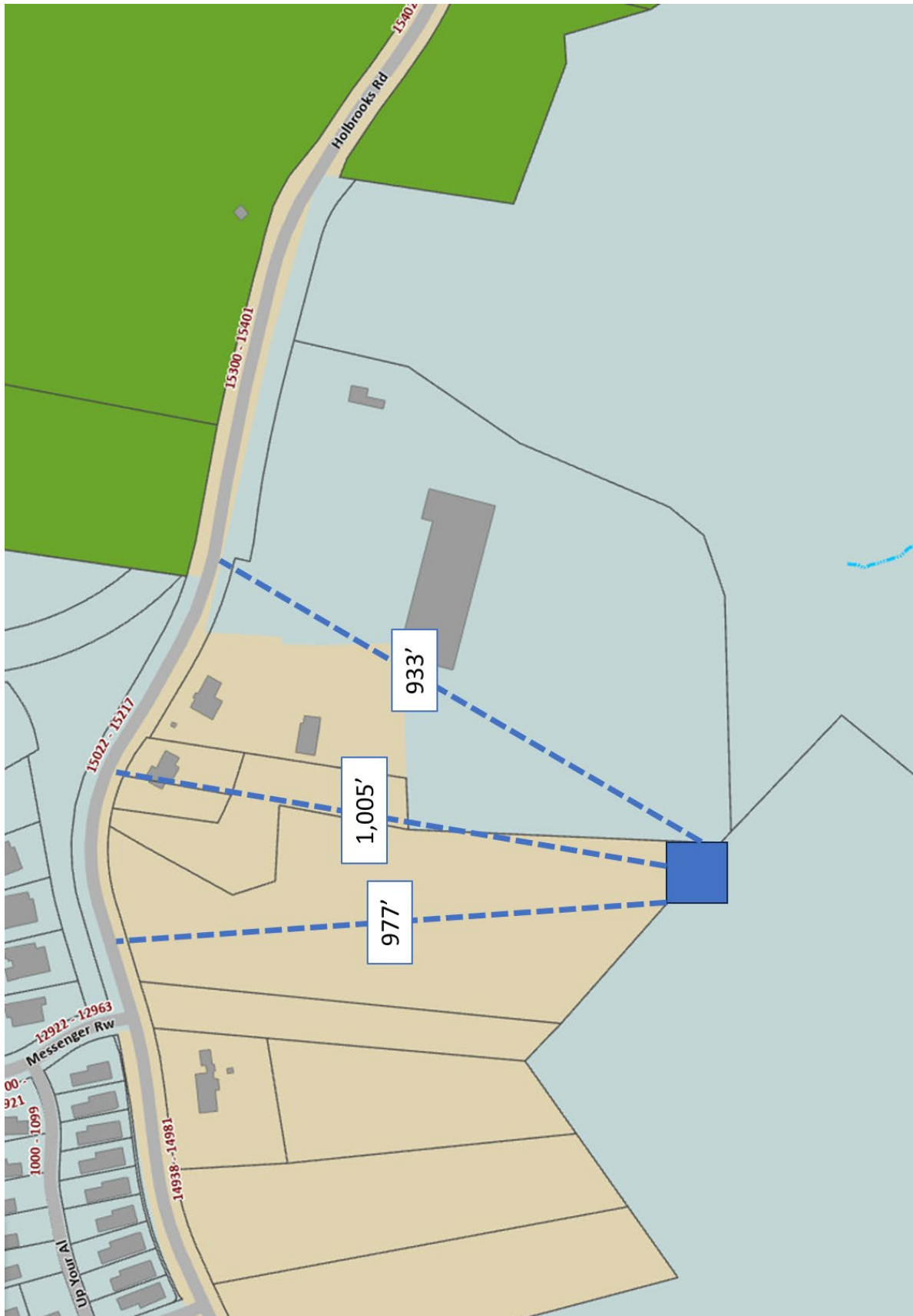
Date: October 30, 2023

Time: 6:00pm – 7:00pm

Applicant and the community attendees discussed the following comments and questions (answers to questions in bold):

- What is the specific rezoning language for the project? **The rezoning language allows for communications towers and the associated accessory uses. The land is being rezoned from Neighborhood Residential (NR) to Special Purpose-Conditional District (SP-CD) to allow for the construction of the cell tower. The language is as follows:**
 - *As shown on the Site Plan, the Property may be developed for a Commercial Communication Tower use, and any accessory uses to the Commercial Communication Tower use, subject to the development standards associated with such use. Residential use is not permitted in the 200' buffer shown on the Rezoning Plan. Any labeling on the Rezoning Plan may be an indication of the current intention on the part of Petitioner but shall not restrict the Property in a manner that conflicts with the provisions of these Development Standards. In the event there is a conflict or inconsistency between these rezoning notes and the Rezoning Plan or application, these rezoning notes shall control.*
- Will there be any flashing lights or other light fixtures on the structure? **No, the tower is under the 200' requirement for flashing lights required by the FAA. In the preliminary studies, no lighting was indicated.**
- Are there any towers nearby that look like this proposed tower? **There is an original communications tower near the Food Lion on Gilead Rd. and HWY 21.**
- How stable is the tower? **Technology has advanced to allow for shorter, stronger towers with more capabilities. This tower will last 70 + years structurally.**
- What if someone else wants to build a tower near this one? **New towers cannot be placed within a one-mile radius of an existing tower. Any new tower would be at least one mile away.**
- Is there a need for this tower in the area? **Yes, particularly to improve the coverage for emergency calls. The coverage map from the Community Meeting presentation (attached) shows the sparse coverage in the area. 68% of 911 calls come through cell towers from cell phones.**
- Why is the property such a weird shape? **The odd shape is due to the requirements of the Huntersville Zoning Ordinance that communication towers meet criteria for siting and setbacks.**
- What is the timeline for construction? **After zoning approvals, the building permit will happen which takes some time. After that, the materials are delivered the construction process should only take 2 months. Engineered drawings go through the approval process which can take 3-6 months.**
- How intense is the construction process? **This is a very non-invasive construction process.**

- After installation will there be any traffic or construction? **The initial construction will bring the most traffic and that is a total of 3-5 days of heavy construction, but overall, it will be a short 2-month process. Once functioning, the carriers will visit the site every couple of months for routine maintenance and upkeep in an SUV type of vehicle.**
- What is the structural integrity of the tower? **The tower is incredibly well engineered and built to withstand extreme conditions. It meets and exceeds all local, state, and federal laws.**
- How big will the access road be, and will it go all the way up to Holbrooks Road? **The access road to Holbrooks Road is so the lot fronts a public street. The property will use an already existing access road through the adjacent site.**
- Will the access road to Holbrooks be paved? (Neighbors indicated they do not want it paved) **The developer intends to disturb as little of the area as possible. The road will not be paved unless required by the Town or if access through the adjacent property is eliminated.**
- Will there be a gate at the entrance to keep people from trespassing? (Neighbors indicated they did not want a gate at Holbrooks Road) **There is a company gate at Holbrooks Road now, and there will be a fence that surrounds the 60' by 60' area where the tower is located to comply with regulations. The fence is a minimum of 8 feet tall.**
- What is the distance to Holbrooks Road from the 60' by 60' pad? (Applicant did not have exact number during Community Meeting) **Holbrooks Road is approximately 1000' from Holbrooks Road (see attached site plan).**
- How many trees will be cleared? **The applicant will save as many trees as possible (see the attached tree survey).**
- Were all the required notices sent out? And were the notices sent by certified mail? **The notices were sent to the following neighbors and the list was confirmed by the Town of Huntersville. The notices were sent out to all the required recipients. (See attached mailing list and certified mail receipts)**
- Will there be any change to the location of the 60' by 60' fenced in area? **No, this is the designated location for the tower based on analysis to find the most beneficial location for cell service.**
- Is there an electrical danger associated with the tower? **This tower is designed to work at a lower power level to enhance safety. This in turn requires more cell towers to cover all the gaps (see attached coverage map). This tower meets and exceeds all local, state, and federal requirements and ANSI standards.**
- What are the next steps in the rezoning process?
 - **Public Hearing will be held on January 2, 2024 – requested delay until January 16**
 - **Planning Board January 23, 2024**
 - **Town Board Final Vote February 19, 2024**
- Where can I find information from the site plan/rezoning documents? **Yes, the Town of Huntersville has the submitted plans available on their website.**
 - [**L1 \(huntersville.org\)**](http://L1(huntersville.org))
- Can I email the Applicant with any questions or requests for additional information? **Yes, see the below email/contact information.**
 - Bonnie Newell – [**b_newell@bellsouth.net**](mailto:b_newell@bellsouth.net)
 - Robert Irvin – [**robert@irvinlawgroup.com**](mailto:robert@irvinlawgroup.com)
- What is the distance from the tower's fenced area to Holbrooks Road? **See below map.**



Community Meeting Attendance Log

Project Name:	Huntersville Center Telecommunications Tower R2 23-10
Location of Meeting:	Huntersville Arts & Cultural Center
Date:	10/30/23
Time:	6:00 pm

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1	Agatha Smith	26
2	Nathan Farber	27
3	Laura Macek	28
4	Bob Macek	29
5	Haley Henderson	30
6	Hunter Hurt	31
7		32
8		33
9		34
10		35
11		36
12		37
13		38
14		39
15		40
16		41
17		42
18		43
19		44
20		45
21		46
22		47
23		48
24		49
25		50

Huntersville Center Telecommunications Tower

Community Meeting

Rezoning Petition: #23-10

Applicant: The Berkley Group III, LLC

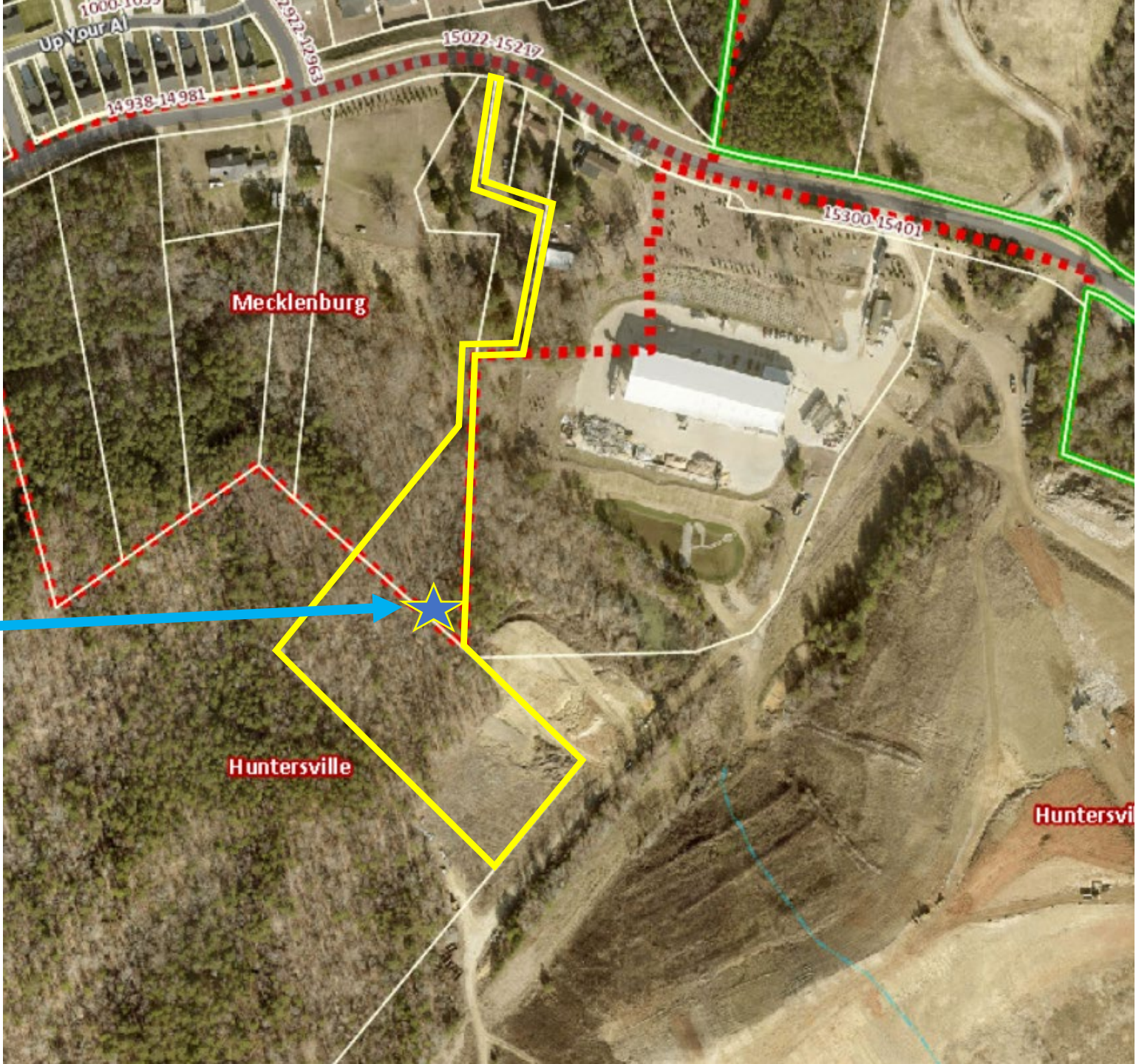
Parcel Numbers: 01910116, 01910113, & 01910111





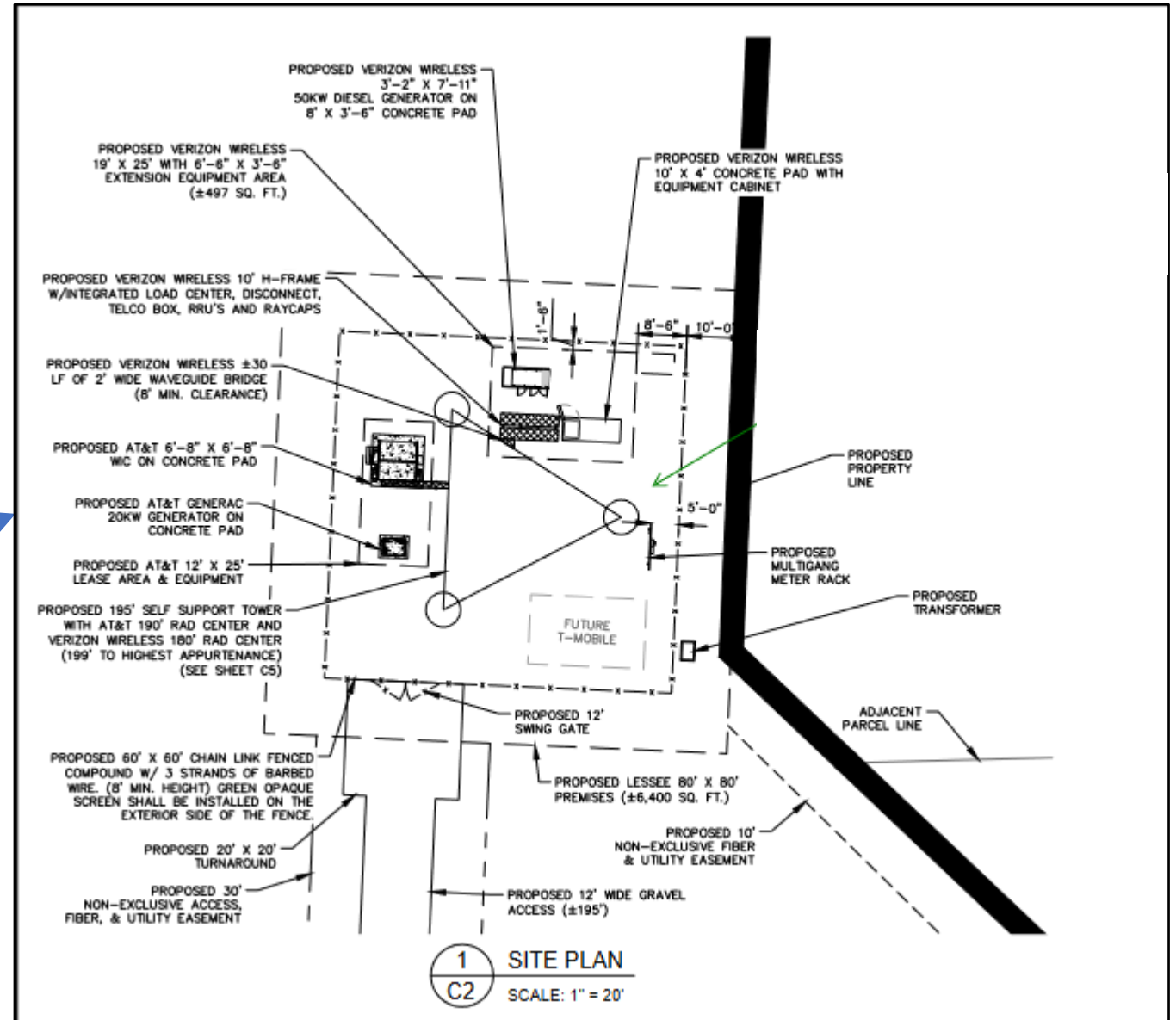
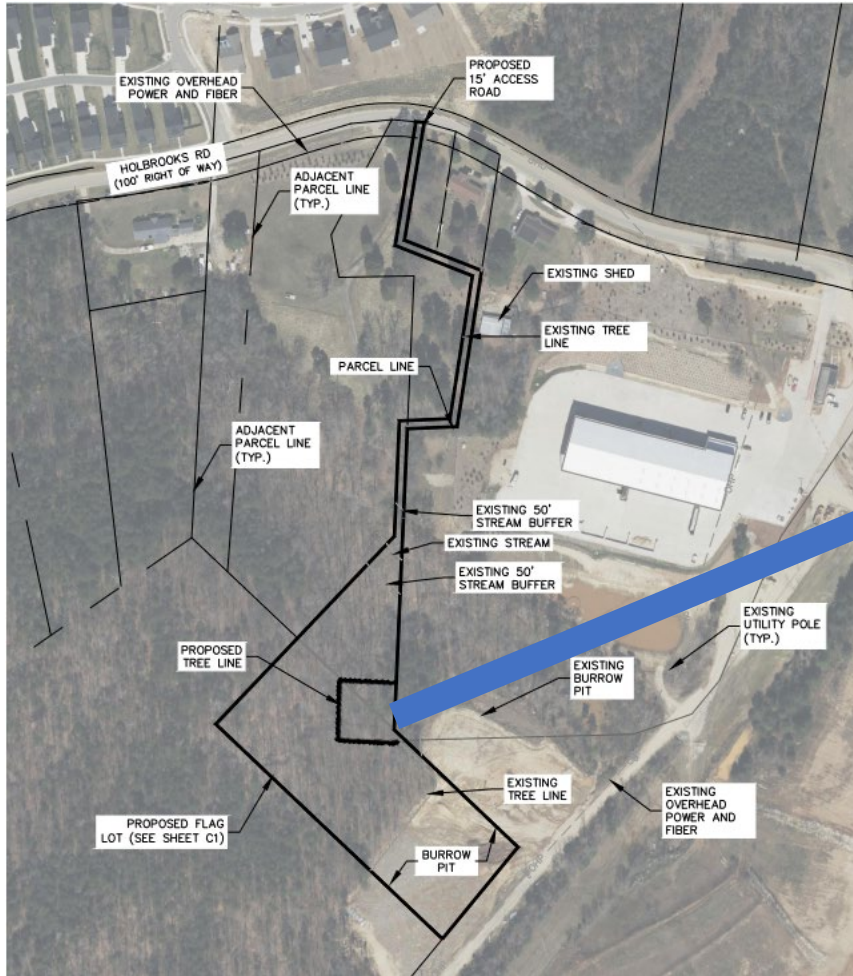
Site Location

15105 Holbrooks Road
Huntersville, NC 28078



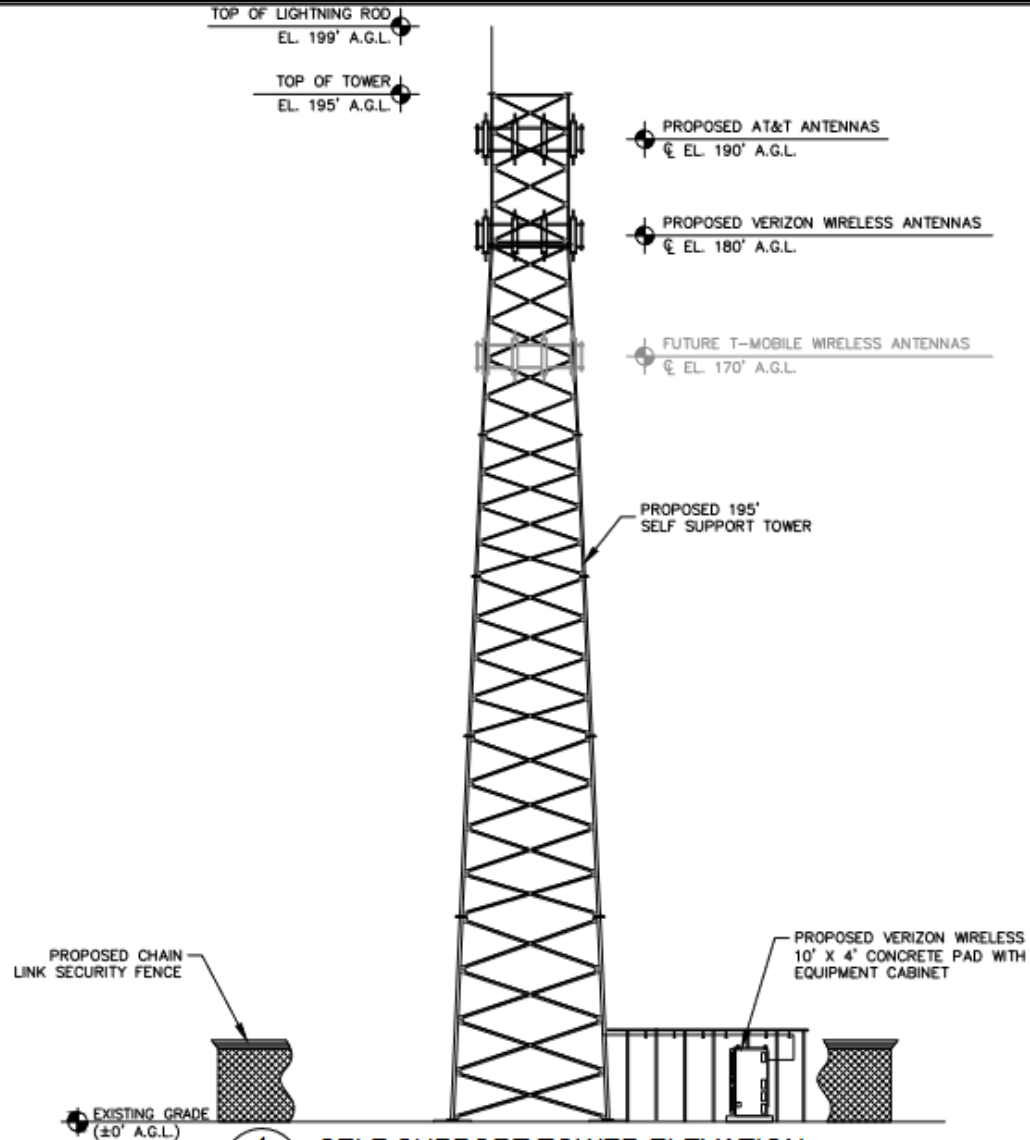
Tower Location

Communication Tower





Holbrooks Road (2446)

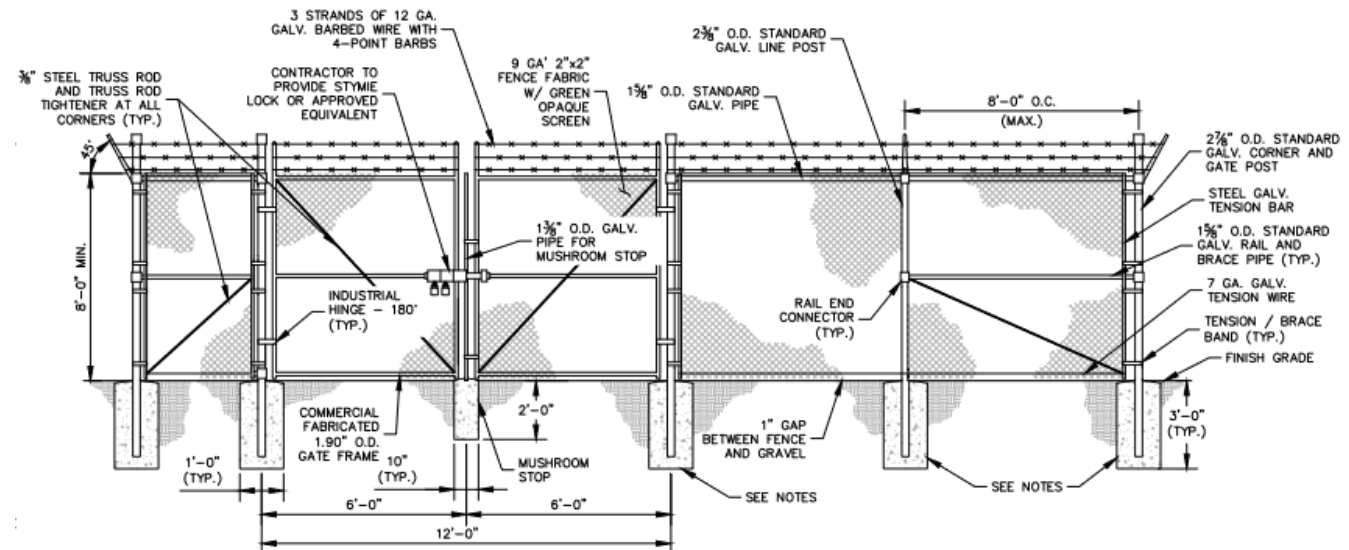


1
C5 SELF SUPPORT TOWER ELEVATION
NOT TO SCALE

NOTES:

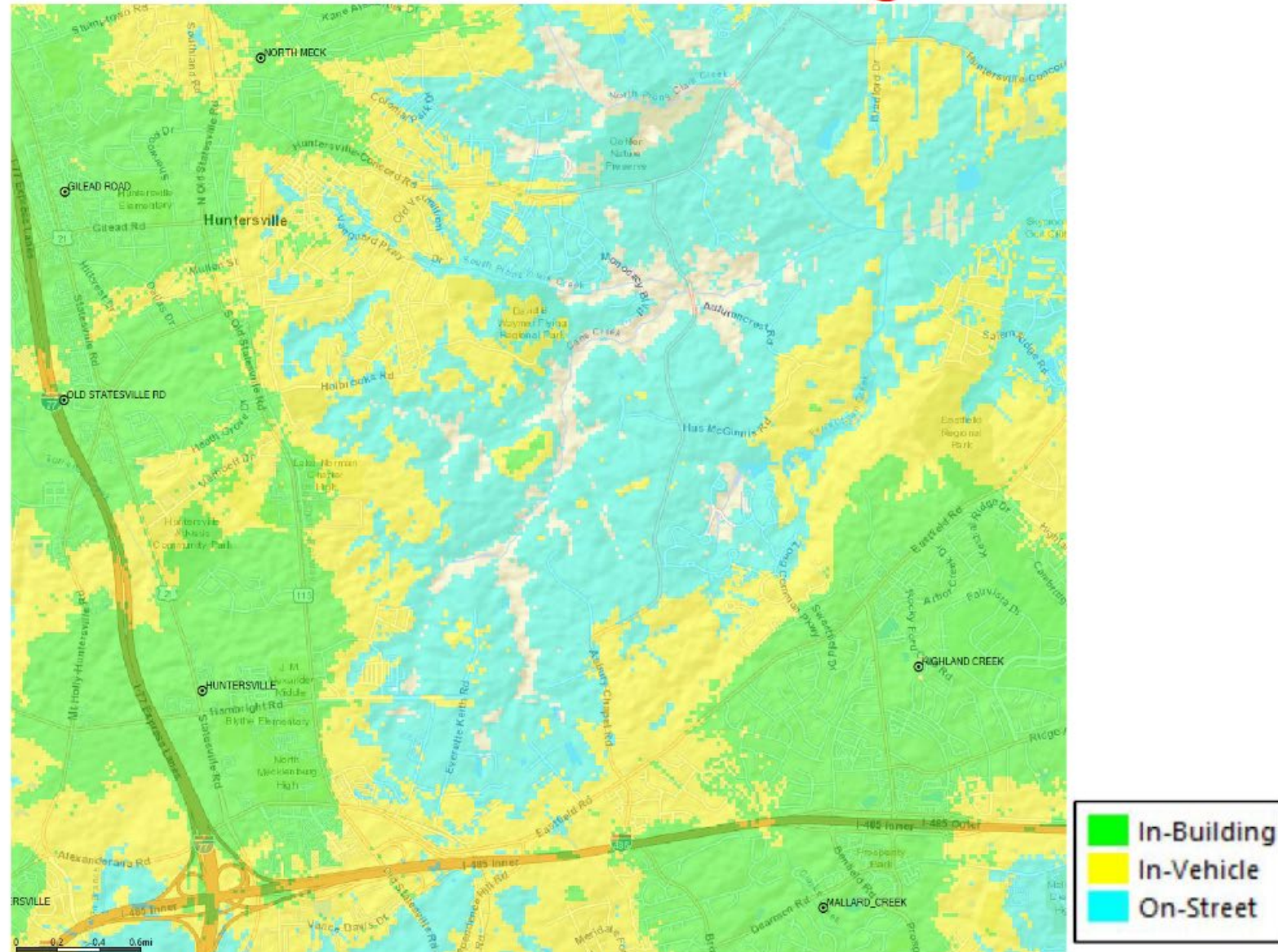
1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS.
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY. TOWER DOES NOT REQUIRE LIGHTING.
3. COAX/FIBER CABLE LENGTHS ARE APPROXIMATE. CONTRACTOR TO VERIFY CORRECT LENGTH IN FIELD AT TIME OF CONSTRUCTION.
4. PROPOSED TOWER WILL BE GALVANIZED STEEL-GRAY IN COLOR.
5. AT&T GROUND EQUIPMENT NOT SHOWN FOR CLARITY.

Elevations



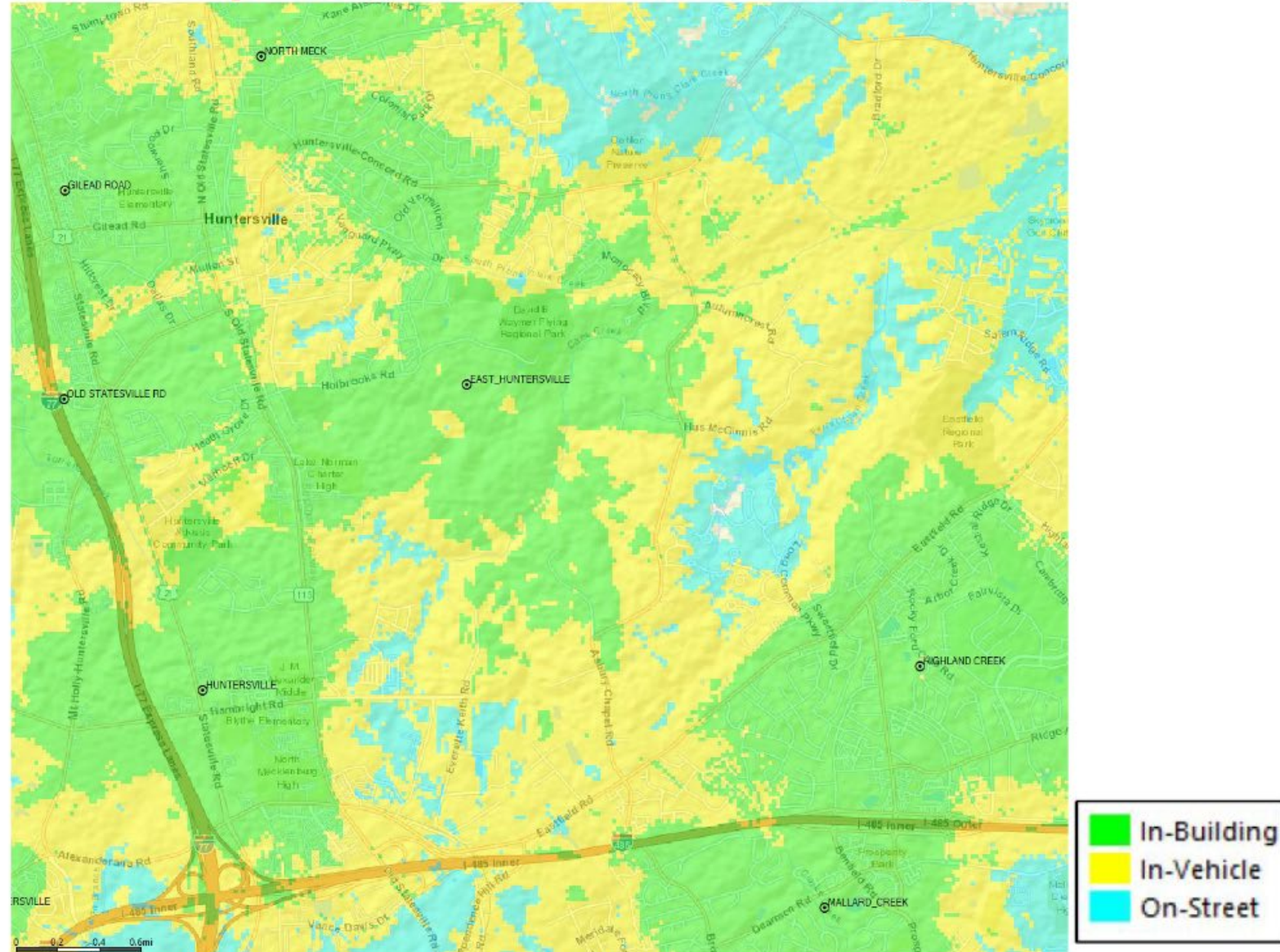
1
C3 CHAIN LINK FENCE AND GATE ELEVATION
NOT TO SCALE

Current VZW 4G LTE Coverage



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Proposed VZW 4G LTE Coverage



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

October 19, 2023

SUBJECT: Notice of community meeting for information related to a Conditional Rezoning of a portion of the property located at 15105 Holbrooks Road, Huntersville, NC, shown on the map below and having Parcel ID Numbers of part of 01910116, 01910113 and 01910109. The Applicant for the subject property is Berkley Group III, LLC.

To Whom It May Concern:

Recipients of this letter meet the notification requirements of the Town of Huntersville as being adjacent landowners with at least a portion of their properties located within 250 ft. of the subject property, and neighborhood organizations registered with the Town of Huntersville within 2,000 ft. of any portion of the rezoning site. The purpose of the community meeting is to provide an opportunity for the Applicant to describe the proposed project and to answer any questions you may have. The Applicant is requesting approval from the Town for a Conditional Rezoning from the current zoning of NR to the proposed zoning of SP(CD) to install a commercial communication tower (cell tower) on the property.

MEETING DETAILS:

6:00 P.M. to 7:00 P.M.

Monday, October 30, 2023

Huntersville Arts and Cultural Center

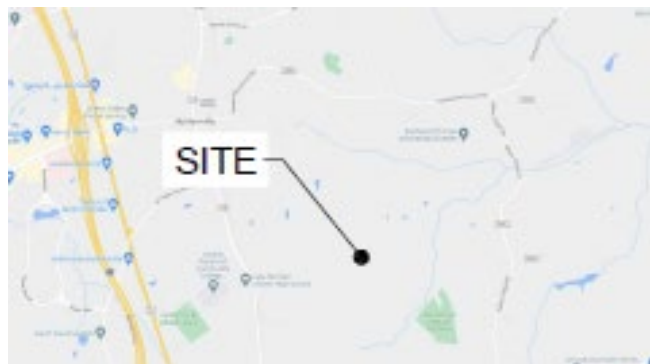
109 S. Old Statesville Road

Huntersville, NC 28078

You are welcome to attend the above-mentioned community meeting. There will be an additional opportunity to ask questions about the proposed development.

Sincerely,

The Berkley Group III, LLC



PARCEL ID	OWNER NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE	PROPERTY ADDRESS
01930104	JOHNSTON, ARNOLD W	12300 OLD STATESVILLE RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	CHURCH ST UNINC
01930109	GREENWAY RECYCLING AT NORTH MECK LLC,	19109 W CA TAWBA AV STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	15120 HOLBROOKS RD UNINC
01930102	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CA TAWBA AVE STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	15300 HOLBROOKS RD HUNTERSVILLE
01930116	GREENWAY WASTE SOLUTIONS LLC,	19109 W CA TAWBA AVE SUITE 200 CORNELIUS NC 28083	CORNELIUS	NC	28083	HOLBROOKS RD HUNTERSVILLE
01930105	C&D MANAGEMENT COMPANY LLC,	19109 W CA TAWBA AVE SUITE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	HOLBROOKS RD UNINC
01927470	BALLEW, SCOTT BALLEW, ANN	12723 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12723 ES DRAPER DR HUNTERSVILLE
01927614	RUBAINE, MERLE RUBAINE, KEITH RUBAINE, KEITH RUBAINE, MERLE	13412 QUICKSILVER LN HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13412 QUICKSILVER LN HUNTERSVILLE
01927468	MOSCA, JOSEPH CHARLES	12715 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12715 ES DRAPER DR HUNTERSVILLE
01927621	GUINCHO, CARL DENNIS SR ANDERSON, LIM L	14779 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14779 HOLBROOKS RD HUNTERSVILLE
01927620	MURPHY, DANIEL JOSEPH MURPHY, JESICA CONWAY	14785 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14785 HOLBROOKS RD HUNTERSVILLE
01927623	ZOOK, STEVEN M ZOOK, LANA R	14767 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14767 HOLBROOKS RD HUNTERSVILLE
01927469	MONNIN, JENNIFER M SOMMERS, TODD ALLEN	12719 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12719 ES DRAPER DR HUNTERSVILLE
01927617	SPAIDE, SHERRY	14803 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14803 HOLBROOKS RD HUNTERSVILLE
01927616	RODRIGUEZ, FRANK LOUIS JR RODRIGUEZ, KELLY D	12718 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12718 ES DRAPER DR HUNTERSVILLE
01927615	ANKENY, GERALD HOWARD ANKENY, GERALD HOWARD ANKENY, ANNE LIESSE HILLARY ANKENY, ANNE-LIESSE HILLARY	13416 QUICKSILVER LN HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13416 QUICKSILVER LN HUNTERSVILLE
01932769	STANFIELD-GRIFFIN, ERICA N GRIFFIN, MARK C	14941 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14941 HOLBROOKS RD HUNTERSVILLE
01927622	MIXAYCHAREUN, PARAMY MIXAYCHAREUN, JENNIFER MARIE	14773 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14773 HOLBROOKS RD HUNTERSVILLE
01927467	STIER, FRANK	12711 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12711 ES DRAPER DR HUNTERSVILLE
01932701	BHOWMIK, KAUSHIK DUTTA PAUL, KABITA	11314 VANGUARD PKWY HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	11314 VANGUARD PY HUNTERSVILLE
01927618	KARUPPANNAN, RADHA PARKUNAN, VENKATESAN	14797 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14797 HOLBROOKS RD HUNTERSVILLE
01927619	LEE, AMANDA LAUREN DAVENPORT, WADE TREVOR	14791 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14791 HOLBROOKS RD HUNTERSVILLE
01930113	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CA TAWBA AVE STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	15100 HOLBROOKS RD UNINC
01930312	HURT, HUNTER	14931 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14931 HOLBROOKS RD HUNTERSVILLE
01930101	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CA TAWBA AVE STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	HOLBROOKS RD UNINC

01910119	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
01910107	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
01910114	GREENWAY WASTE SOLUTIONS LLC,	19109 W CATAWBA AVE SUITE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
019127628	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	HOLBROOKS RD HUNTERSVILLE
019132785	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE CHARLOTTE NC 28078	CHARLOTTE	NC	28078	HOLBROOKS RD HUNTERSVILLE
019127473	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	HOLBROOKS RD HUNTERSVILLE
019127627	SOUTHSIDE NEIGHBORHOOD LLC, SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14802 ALLEY GORY HUNTERSVILLE
019132735	SMITH FAMILY REVOCABLE LIVING, TRUST SMITH, SYLVIA M	13718 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13718 BERKLEY AV HUNTERSVILLE
019132736	HARRELL, JANELLE BEA HARRELL, CHAD	13712 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13712 BERKLEY AV HUNTERSVILLE
019132734	MARAGNI, MARK MOYLAN, KATHRYN	13722 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13722 BERKLEY AV HUNTERSVILLE
019132737	RAMOS, NICOLE K	13708 BERKELEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13708 BERKLEY AV HUNTERSVILLE
019132776	JACKSON, RONALD K JACKSON, ANGELA	14969 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14969 HOLBROOKS RD HUNTERSVILLE
019132775	BOYD, JIMMIE LEE JR BOYD, CHARLISA DUNNING	14965 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14965 HOLBROOKS RD HUNTERSVILLE
019132738	RYAN, PHYLLIS S	13704 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13704 BERKLEY AV HUNTERSVILLE
019132777	DORCH, ANDREA DOSCH, KYLE	14973 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14973 HOLBROOKS RD HUNTERSVILLE
01910115	GREENWAY WASTE SOLUTIONS LLC,	19109 W CATAWBA AVE SUITE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	15018 HOLBROOKS RD UNINC
01910111	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	15105 HOLBROOKS RD UNINC
01910110	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	15118 HOLBROOKS RD UNINC
01910118	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
019132781	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	BERKLEY AV HUNTERSVILLE
019132780	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	MESSANGER RW HUNTERSVILLE
019132784	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE CHARLOTTE NC 28078	CHARLOTTE	NC	28078	UP YOUR AL HUNTERSVILLE
019132785	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE CHARLOTTE NC 28078	CHARLOTTE	NC	28078	HOLBROOKS RD HUNTERSVILLE
	VERMILLION HOA	13952 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078				
	ASBURY PARK HOMEOWNERS ASSOCIATION	P.O. BOX 491 HUNTERSVILLE, NC 28070				

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- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

C+D Management Company LLC
Street and Apt. No., or PO Box No.
19109 W Catamba Ave Ste. 110
City, State, ZIP+4®
Cornelius, NC 28031

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0017 8677 23

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Greenway Waste Solutions at North Meck LLC Street and Apt. No., or PO Box No. 19109 W. Catamba Ave. Ste. 110 City, State, ZIP+4® Cornelius, NC 28031	

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0017 8677 16

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Greenway Recycling at North Meck LLC Street and Apt. No., or PO Box No. 19109 W. Catamba Ave. Ste. 110 City, State, ZIP+4® Cornelius, NC 28031	

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0017 8677 09

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Arnold W. Johnston Street and Apt. No., or PO Box No. 12300 Old Stateville Rd. City, State, ZIP+4® Huntersville, NC 28078	

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

POSTAL SERVICE.

DAVIDSON
99 JACKSON ST
DAVIDSON, NC 28036-9721
(800)275-8777

10/19/2023

09:57 AM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.66
Cornelius, NC 28031 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8677 47			
Total			\$5.01
First-Class Mail® Letter	1		\$0.66
Cornelius, NC 28031 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8677 30			
Total			\$5.01
First-Class Mail® Letter	1		\$0.66
Cornelius, NC 28031 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8677 16			
Total			\$5.01
First-Class Mail® Letter	1		\$0.66
Cornelius, NC 28031 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8677 23			
Total			\$5.01
First-Class Mail® Letter	1		\$0.66
Huntersville, NC 28070 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8680 27			
Total			\$5.01
First-Class Mail® Letter	1		\$0.66
Huntersville, NC 28078 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8680 10			
Total			\$5.01
First-Class Mail® Letter	1		\$0.66
Huntersville, NC 28078 Weight: 0 lb 0.30 oz Estimated Delivery Date Sat 10/21/2023			
Certified Mail® Tracking #:			\$4.35
9589 0710 5270 0017 8680 03			

Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 83	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 76	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 69	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 52	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 45	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 38	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 21	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35

Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 07	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 91	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 84	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 77	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 60	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 53	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 46	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8678 39	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	

	Total		\$5.01
	First-Class Mail®	1	\$0.66
	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8678	15	
	Total		\$5.01
	First-Class Mail®	1	\$0.66
	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8678	08	
	Total		\$5.01
	First-Class Mail®	1	\$0.66
	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8677	92	
1	Total		\$5.01
F	First-Class Mail®	1	\$0.66
L	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8677	85	
T	Total		\$5.01
F	First-Class Mail®	1	\$0.66
L	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8677	09	
To	Total		\$5.01
F	First-Class Mail®	1	\$0.66
L	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8677	78	
Tot	Total		\$5.01
F	First-Class Mail®	1	\$0.66
Le	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8677	54	
Tota	Total		\$5.01
Fir	First-Class Mail®	1	\$0.66
Let	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35
	Tracking #:		
	9589 0710 5270 0017 8677	54	
Tota	Total		\$5.01
Firs	First-Class Mail®	1	\$0.66
Lett	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35

Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023
Certified Mail® \$4.35
Tracking #: 9589 0710 5270 0017 8677 78
Total \$5.01

First-Class Mail® 1 \$0.66
Letter
Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023
Certified Mail® \$4.35
Tracking #: 9589 0710 5270 0017 8677 54
Total \$5.01

First-Class Mail® 1 \$0.66
Letter
Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023
Certified Mail® \$4.35
Tracking #: 9589 0710 5270 0017 8677 61
Total \$5.01

Grand Total: \$165.33

Debit Card Remit \$165.33
Card Name: MasterCard
Account #: XXXXXXXXXXXX2254
Approval #: 18606E
Transaction #: 976
Receipt #: 040014
Debit Card Purchase: \$165.33
AID: A0000000042203 Chip
AL: US Debit
PIN: Verified

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device,



or call 1-800-410-7420.

JFN: 362000-0933
Receipt #: 840-5280644-3-5917818-2
Clerk: 15



PO Box 664
Huntersville NC 28070

PUBLIC HEARING

Date: January 2, 2024
Time: 6:00 pm
Location: **In Person:** Huntersville Town Hall; 101 Huntersville-Concord Rd
Live Stream: YouTube User ID: @townofhuntersvillenc28078
Applicant: Berkley Group III, LLC
Case #: R23-10 Commercial Communication Tower

Livestream



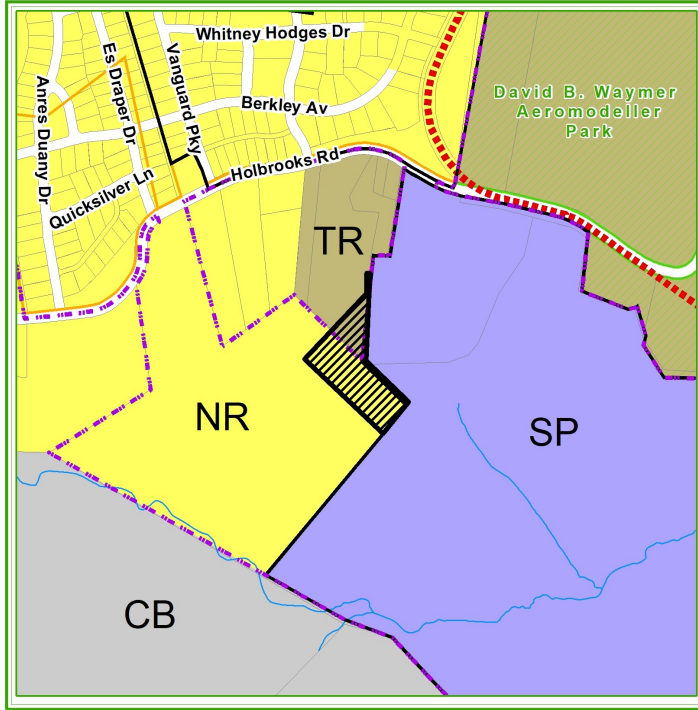
Public Meeting Dates

Meeting Type	Purpose	Date & Time
Community Meeting	Informational	October 30, 2023
Public Hearing	Public Meeting	January 2, 2024 @ 6:00pm
Planning Board *	Recommendation	January 23, 2024 @ 6:30pm
Town Board *	Approval/Denial	February 19, 2024 @ 6:00pm

* Tentative—check www.huntersville.org for latest dates

OFFICIAL TOWN OF HUNTERSVILLE PUBLIC HEARING NOTICE

PUBLIC HEARING NOTICE DATE: January 2, 2024 | **R23-10** Commercial Communication Tower NOTICE OF PUBLIC HEARING FOR REZONING REQUEST



Zoning Legend:

NR= Neighborhood Residential
TR = Transitional Residential

Site = Location requesting rezoning

CB=Corporate Business
SP = Special Purpose

An application has been submitted to rezone the 'Site' located south of Holbrooks Road (Parcel #01910116, 01910113, & 01910111)

CURRENT ZONING is (NR) Neighborhood Residential & (TR) Transitional Residential

PROPOSED ZONING is (SP CD) Special Purpose Conditional District

The purpose of the rezoning is to allow the development of a Commercial Communications Tower.

A public hearing will be held in person at Town Hall located at 101 Huntersville-Concord Drive, Huntersville, NC 28078. The public is invited to attend and comment during the public hearing for this request. The meeting will be livestreamed for those who would like to listen only on YouTube at UserID: @townofhuntersvillenc28078

Livestream



Project Page:



FOR ADDITIONAL INFORMATION

CONTACT Nathan Farber, Planner II

Phone: 704-766-2237

Email: nfarber@huntersville.org

Online: www.huntersville.org - search: **R23-10**

OFFICIAL TOWN OF HUNTERSVILLE PUBLIC HEARING NOTICE

**Town of Huntersville
Town Board
January 16, 2024**

To: Town Board

From: Brian Richards, Planning Director

Date: January 16, 2024

Subject: Board of Adjustment Appointments.

EXPLAIN REQUEST:

The Board of Adjustment is made up of 7 regular members and 3 alternate members. This Board only hears quasi-judicial hearings for Zoning Variance and Appeal requests.

The following two seats have been vacated due to relocation:

- Jason Loucks, Town Seat 4 - Vacant (expiring 6/30/2024)
- Shannan Younger, Town Seat 6 - Vacant (expiring 6/30/2026)

Please note that it is the recommendation of the Planning Department that Alternate Members who have had the benefit of attending meetings and experiencing quasi-judicial hearings be appointed to regular seats with any new appointments being made to fill the vacated Alternate Seats. Additionally, please note that terms are applied to the 'seat' and not the person so that there is always a majority of tenured members to the Board through the appointment process.

This said, it is the recommendation of the Planning Department that:

- Christopher Price (Alternate 2) be considered to complete the term for Jason Loucks, Town Seat 4 (expiring 6/30/2024)
- John Carbonell (Alternate 3) be considered to complete the term for Shannan Younger, Town Seat 6 (expiring 6/30/2026)
- New appointment be considered to complete the term for Christopher Price, Alternate 2 (expiring 6/30/2025)
- New appointment be considered to complete the term for John Carbonell, Alternate 3 (expiring 6/30/2025)

ACTION RECOMMENDED:

Appoint 2 Members

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Board of Adjustment - Summary
2. BOA - Applicants Map
3. Board of Adjustment - Applications

Board of Adjustment

10 Members Total
 8 Current
 0 Expiring
 2 Vacant
2 APPOINTMENTS NEEDED

CURRENT MEMBERS (8)

Name	Seat	Position/Title	Term Exp & Years	Alternate Term Start			Partial	Regular Term Start		
				Partial	Term 1	Term 2		Term 1	Term 2	Term 3
Bradshaw, Jonathan	Town Seat 1	Vice-Chair	6/30/2024 3		6/19/2017	6/15/2020		6/7/2021		
Jacobson, Peter	Town Seat 2	Chair	6/30/2024 3	10/1/2018	11/19/2018	6/3/2019		6/7/2021		
Bennett, Michelle	Town Seat 3		6/30/2025 3				6/7/2021	6/6/2022		
Russell, Mike	Town Seat 5		6/30/2026 3					6/20/2023		
Burton, Kimberle	ETJ Seat 1		6/30/2024 3					6/7/2021		
Zovistoski, Jonathan (Jack)	Alternate 1		6/30/2026 3					6/20/2023		
Price, Christopher	Alternate 2		6/30/2025 3		6/6/2022					
Carbonell, John	Alternate 3		6/30/2025 3		6/6/2022					

VACANCIES PAST 6 MONTHS (2)

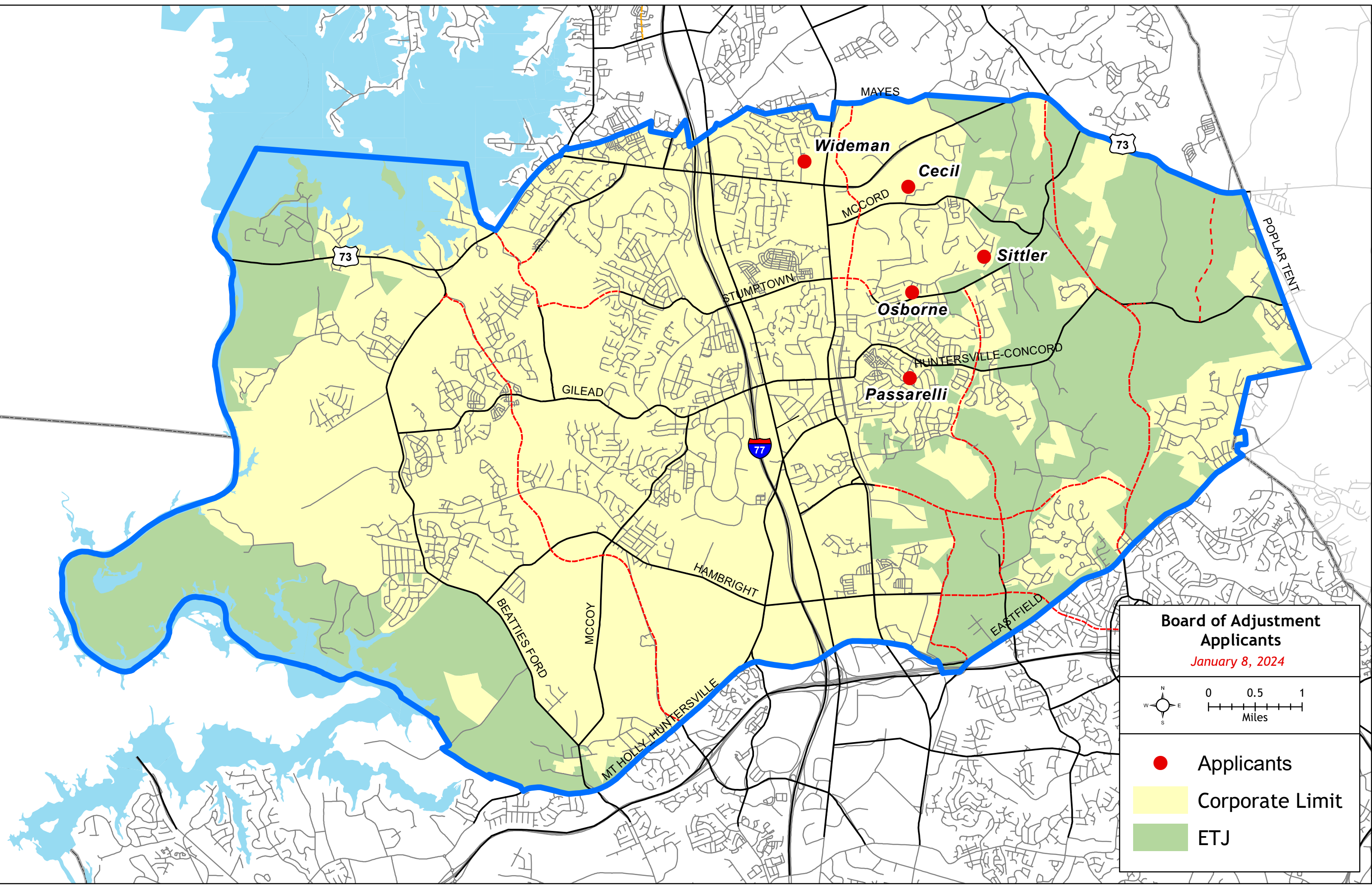
Name	Seat	Notes	Early Term	Original Term Exp & Years	Alternate Term Start			Partial	Regular Term Start		
					Partial	Term 1	Term 2		Term 1	Term 2	Term 3
Loucks, Jason	Town Seat 4	resigned	11/20/2023	6/30/2024 3	10/1/2018	6/3/2019			6/7/2021		
Younger, Shannan	Town Seat 6	resigned	12/5/2023	6/30/2026 3					6/20/2023		

APPLICANTS (5)

Name	Current Board Assignment?	App Date	Still Interested (Date & Notes)?	
Cecil, Edward	No	11/22/2023	11/22/2023	
Osborne, Donna	No	5/19/2023	12/13/2023	Planning Brd application also
Passarelli, John	No	4/21/2023	12/13/2023	
Sittler, Scott	No	5/19/2023	12/13/2023	Planning Brd application also
Wideman, Jamie	No	5/21/2023	12/13/2023	Planning Brd application also

* Term expires within 3 months

Monday, January 8, 2024



Board of Adjustment Applicants
January 8, 2024



0

0.5

1

Miles

Applicants

Corporate Limit

ETJ

Print

Advisory Boards & Commissions Application - Submission #16202

Date Submitted: 11/22/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Board of Adjustment ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Edward

Last Name*

Cecil

Street Address (must be in Huntersville)*

16435 Cobble View Lane

Is this address in the ETJ?*



No



Yes

Email Address*

ewcecilaw@aol.com

Phone Number*

4155316475

Occupation

Retired Attorney

Place of Employment

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

Open and able to serve as needed..

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

Business and Civic Experience Related to this Advisory Board or Commission

Former member Board of Adjustment and as its Chair; Attorney at Law since 1972 (Corporate, Insurance, self-insured and medical-legal defense); Police Commissioner 5 years; Chairman Police Advisory & Review Board; Judge Pro-Tem; taught law school classes and Bar Review preparation; Board of Director of North Mecklenburg Crime Stoppers; Attorney for Mothers Against Drunk Driving; Vice President FBI Citizens Academy. Took Huntersville 101 and HPD Citizens Academy.

Areas of Expertise, Interests and Skills

Assisted Calif. Govenor Schwarzenegger rewriting State Laws; Legal; Law Enforcement; worked with FBI as to governmental corruption and sex trafficking. Am analytical, impartial, logical, objective, able to listen and understand. Able to read and understand laws and ordinances. Am a historian, knowable as to food, wine, art, music, areas of science and math.

Education

BA Political Science/Pre-Law; JD Law

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Served on the Huntersville Board of Adjustment and as its Chair. Board of Director North Mecklenburg Crime Stoppers. Chair of Police Advisory and Review Board. Worked with FBI. Assisted State Governor in rewriting State Laws. Attorney for Mothers Against Drunk Driving. Presenter Police Citizens Academy. Attorney for 18 Independent School Districts. Pro Bono legal work. FBI Citizens Academy and VP Alumni. Meck Cnty Sheriff and HPD.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Becoming safe, thriving, vibrant community with reasonable growth with concern for residents as well as business growth. Factors: transportation/roads; environment; community leadership; regional rule; business (domestic & foreign); residential & business land use; central/downtown district; community service. Proper understanding and use of the current 2040 Plan and that it is a "Guide".

What obstacles do you see to achieving this vision?

Concern with too rapid growth and expansion, resulting in increase in and worsening of traffic congestion, with infrastructure not keeping up with it. Not understanding that the 2040 Plan is a "Guide".

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Again, the rapid growth and expansion without the infrastructure keeping up with it. Everything indicated above as to vision and factors to shape its growth need to be taken into consideration and done in a logical, systematic, paced manner with infrastructure coming into place to benefit the residents and Huntersville. Need to bring back complete Quasi-Judicial review with the independence of the Board of Adjustment (which is not an advisory board as its decisions are final and can only reviewed by a judge not the Town Board) as confirmed by the NC School of Government.

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Edward Cecil

Signature Date*

11/22/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Board of Adjustment

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Donna

Last Name*

Osborne

Street Address (must be in Huntersville)*

12445 Ramah Church Road

Is this address in the ETJ?*



No



Yes

Email Address*

ozmo1@bellsouth.net

Phone Number*

7047756018

Occupation

Retired

Place of Employment

Retired

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

24

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

No

Business and Civic Experience Related to this Advisory Board or Commission

HOA Treasurer, Crofton planning council

Areas of Expertise, Interests and Skills

Infrastructure needs, financial impacts

Education

Masters in Finance

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

HOA's, planning councils

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Targeted growth in all areas. Infrastructure, water/sewer, utilities, homes

What obstacles do you see to achieving this vision?

Growth to fast in the wrong areas

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Empty business buildings, lack of ease of access to businesses, infrastructure needs.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Donna Osborne

Signature Date*

5/19/2023

Print

Advisory Boards & Commissions Application - Submission #14163

Date Submitted: 4/21/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Board of Adjustment

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

John

Last Name*

Passarelli

Street Address (must be in Huntersville)*

12503 LEVINS HALL RD

Is this address in the ETJ?*



No



Yes

Email Address*

jeplaw@gmail.com

Phone Number*

8479244696

Occupation

Attorney (retired)

Place of Employment

N/A

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

40

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

Board of Adjustment

Business and Civic Experience Related to this Advisory Board or Commission

3 years on the Board of Adjustment 50 years in the practice of law / criminal prosecution 2years / Federal Trace Commission antitrust litigation 3 years / corporate antitrust & trade regulation counsel 3 years / Clausen Miller law firm in Chicago 1978-86 / personal law firm 1978 - 2018 commercial litigation, etc. & appellate cases Teaching Business Torts at Harper College

Areas of Expertise, Interests and Skills

Practice of law

Education

Resume should be on file but another copy will be delivered in separate e-mail. Colleges attended: Georgetown University / Loyola University Chicago / University of Wisconsin / Loyola University New Orleans / Indiana University Highest degree earned: Doctor of Jurisprudence

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Board of Adjustment 2020 - 2023

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Balanced growth in commercial & residential sectors with improvement of existing infrastructure Improved transportation modes & accessibility to commercial & service areas of the town

What obstacles do you see to achieving this vision?

Financing & competing interests for land use & development Lack of affordable housing for needed labor forces.

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Problems: correcting the historical random development of the core area of the town between Sam Furr and Hambright Roads; the limitation on the expansion of existing roads; lack of projected development of town services for areas that need to be developed and expanded. With the proposed development & construction currently in progress, there needs to be an architectural awareness for maintaining an aesthetic profile befitting the history of the Charlotte, N.C. heritage.

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

John E. Passarelli

Signature Date*

4/21/2023

JOHN E. PASSARELLI

12503 LEVINS HALL ROAD
HUNTERSVILLE, NORTH CAROLINA 28078

ADMITTED TO PRACTICE:
WASHINGTON, D.C.
ILLINOIS
INDIANA
FLORIDA

(847) 924-4696
jeplaw@gmail.com

General Resume

Illinois - ARDC (Attorney Registration & Disciplinary Commission) No. 3121653 (good standing)

Cook Co. Atty. No. 25200

Cook Co. Board of Tax Appeals 8782

DuPage Atty. No. 84495

Supreme Court of Illinois	Admitted 11/03/78	#3121653
Supreme Court of Florida	Admitted 09/10/74	#220388
Supreme Court of Indiana	Admitted 09/22/71	#5629-98
D.C. Bar	Admitted 04/11/72	#96800
Supreme Court of the United States of America	Admitted 10/07/74	
D.C. Court of Appeals	Admitted 09/13/73	
U.S. Ct. of Military App.	Admitted 10/02/73	
U.S. Court of Claims	Admitted 06/04/74	
U.S. Dist. Ct. D.C.	Admitted 07/26/72	
U.S. Dist. Ct. S.D. Ind.	Admitted 09/22/71	
U.S. Dist. Ct. M.D. Fla.	Admitted 12/10/76	
U.S. Dist. Ct. N.D. Ill.	Admitted 07/07/78	
Trial Bar	Admitted 12/01/82	
U.S. Ct. of App., D.C.Cir.	Admitted 04/26/72	
U.S. Ct. of App., 5th Cir.	Admitted 12/13/76	
U.S. Ct. of App., 7th Cir.	Admitted 00/00/78	
U.S. Ct. of App., 11th Cir.	Admitted when created	

Federal Trade Commission - Bureau of Competition 1971 - 1975

Jim Walter Corporation - Director of Antitrust &
Trade Regulation 1975-1978

Clausen, Miller, Gorman, Cafrey, & Witous 1978-1986

Private practice in Illinois 1986 - retired 2018

Member of Illinois State Bar Association 1978 - present ISBA #7308869 #23625

Finalist Candidate for U.S. Magistrate, N.D. Ill., E.D. 1975

Published "Commercial Bribery" - Chapter 8 in *Unfair Competition* IICLE 1979

Instructor of "Business Torts" at Harper College - Palatine, IL. 1988-90

General litigation and appellate practice

Print

Advisory Boards & Commissions Application - Submission #14436

Date Submitted: 5/19/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Board of Adjustment

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Scott

Last Name*

Sittler

Street Address (must be in Huntersville)*

15829 Lavenham Road

Is this address in the ETJ?*



No



Yes

Email Address*

scottsittler@gmail.com

Phone Number*

704-907-6876

Occupation

Marketing

Place of Employment

Carry-On Trailer

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

20

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

none

Business and Civic Experience Related to this Advisory Board or Commission

Areas of Expertise, Interests and Skills

marketing, business, professional relationships

Education

Bachelor's degree from Bowling Green State University Mini MBA in Marketing

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

member and volunteer at Christ Community Church member and volunteer with Charlotte Disc Golf Club

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Over that time Huntersville will need to balance growth and the small town/rural areas it's cultivated and promoted since I moved here in 1999. We need to plan for/develop infrastructure that supports the growth while maintaining a quality of life that our residents and citizens expect.

What obstacles do you see to achieving this vision?

The primary obstacle is what also drives people to develop Huntersville - it's a desired location. So the desirability of our location isn't diminished we'll need to balance planning with future projects and legacy upkeep. Ultimately the biggest obstacle is working alongside those with opposing views and visions yet finding common ground and collaboration.

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

The patterns of our community have changed yet long-time residents still want to call this home. It seems that fast paced large development is clashing with a feeling of small town community.

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Electronic Signature*

Scott Sittler

Signature Date*

5/19/2023

Print

Advisory Boards & Commissions Application - Submission #14462

Date Submitted: 5/21/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Board of Adjustment

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Jamie

Last Name*

Wideman

Street Address (must be in Huntersville)*

17008 Knoxwood Dr

Is this address in the ETJ?*



No



Yes

Email Address*

jamielwideman@gmail.com

Phone Number*

9807219981

Occupation

Human Resources Manager

Place of Employment

Peter-Lacke USA LLC

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

20

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

None

Business and Civic Experience Related to this Advisory Board or Commission

I am part of the US leadership team for Peter-Lacke USA. I work in business planning, specifically personnel, and staff leadership. I work in conjunction with my colleagues in Germany, Mexico and China to establish and execute forward-thinking strategies that also keep the best interests of our employees in view. I am skilled at approaching projects and complications from a variety of perspectives, and problem-solving to find the best answer with the least negative impact for all.

Areas of Expertise, Interests and Skills

have worked in Human Resources and accounting for over 20 years. I am an NC native and understand the area, the changes that have taken place in the last several decades. My husband is a small business owner and wr are the parents to two teenagers, so I can understand the needs it different groups and how planning will impact a variety of demographics that make up our town.

Education

High School graduate. Some college. Currently enrolled at CPCC completing an AAS in Accounting

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

served as Charitable Events Manager (2 years) and Director of Human Resources (3 years) for The Mommies Network, a Charlotte-based national nonprofit. I have also served on the fundraising committee for Genesee County Humane Society (Michigan) and worked as an animal care volunteer and animal foster.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?

☒ Yes

☐ No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Personally, I would love to see the development slow down until the infrastructure is in place to support the growth. Note, I said slow down, not stop. I think the town needs to be more strategic in what development is allowed and what isnâ€™t. Housing is fine, but not high-end, high-density, unless the area can support it. We do a disservice to our residents by creating an environment where the small town feel is lost and replaced by it taking 45 to go 4 miles on Hwy 73.

What obstacles do you see to achieving this vision?

Our biggest obstacle is infrastructure and available land. While Huntersville was once a farming community, many of the large tracts have been developed. This has left smaller pockets of space, many surrounded by homes, which can create significant friction when commercial or HDR building is proposed. Development, especially without the infrastructure to support it, has a swift and reaching impact into the daily lives of residents. Balancing this is going to become more difficult as time progresses.

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

As I mentioned above, I am not opposed to growth, but I believe in growth with a purpose. We need to listen to, and hear, the people who live here and why they love Huntersville. Those are the things we want to hang on to. I donâ€™t want to see our community become just another city that people canâ€™t wait to leave. â€œIf you build it, they will come.â€ That is very true. But what about the people who already live here? Are we doing whatâ€™s best for them?

Electronic Signature Agreement

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Electronic Signature*

Jamie L Wideman

Signature Date*

5/21/2023

